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WORTH NOTING

☐ HATCH ACT HEARING. Chairman Robert E. Hampton has expressed the Administration's opposition to H.R. 3000, a bill which would remove present Hatch Act restrictions against participation in party management and political campaigns by Federal employees.

The Hatch Act applies, in one degree or another, to approximately 6 million public employees—about 2.5 million Federal civil servants and about 3.5 million State and local government employees whose principal employment is in connection with federally financed activities. H.R. 3000, however, would affect only Federal employees.

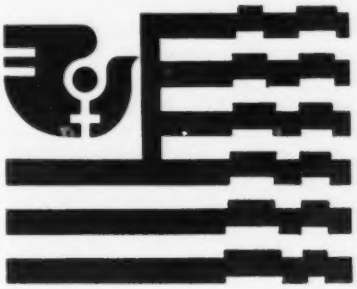
Chairman Hampton said that H.R. 3000, if enacted, would have "a serious adverse effect on our ability to maintain a merit system," and would go far toward "destroying valuable employee protections which result from current restrictions on the political activity of Government employees."

He characterized the Hatch Act ideal as nonpartisan: "In limiting the partisan political activities of Federal workers, the law does not single out persons who advocate particular viewpoints; it applies exactly the same

international
women's year

A CHALLENGE FOR A CHANGING WORLD

by Virginia R. Allan
Deputy Assistant Secretary
for Public Affairs
U.S. Department of State



DURING our nation's Bicentennial celebration, the influence of International Women's Year could call forth not an updated Declaration of Independence for the third century, but rather a document to meet the challenges of a changing world—a Declaration of Interdependence. This Declaration would give recognition not only to the partnership concept in interpersonal relationships, but also to the emerging awareness that what we do domestically and internationally on such issues as population, the world food supply, and economic policy, etc., and what we do on the issue of the status of women are increasingly interrelated.

Secretary of State Henry A. Kissinger, in an appearance before the General Assembly of the United Nations in 1973, stated: "We strive for a world in which the rule of law governs and fundamental human rights are the birthright of all." This premise is basic to a Declaration of Interdependence forthcoming from our country. In keeping with the objectives of International Women's Year, this Declaration of Interdependence should imprint these principles upon the world's conscience:

- that everywhere, men and women are created equal;
- that all people should be entrusted with inalienable rights, commensurate opportunities, and legal and ethical responsibilities;
- that individuals, institutions, nations, and international organizations should be allowed to realize their fullest potential—social, economic, cultural—since they are all and ever will be in the process of development.
- that peace on this planet, even survival of society itself, depends upon international cooperation and good will to sustain the formulation of more positive and workable solutions for the betterment of humankind.

In 1972 the United Nations General Assembly passed a Resolution proclaiming 1975 as International Women's Year. This Resolution called upon member countries—all one hundred and thirty-eight of them—to commit themselves to a national effort to support the IWY Resolution. The reason for the need of consciousness raising is the philosophy expressed in the Preamble to the 1967 U.N. document called "Declaration on the Elimination of Discrimination Against Women." In essence, it states:

"Discrimination against women is incompatible with human dignity and the welfare of the family and of society," and that "the full and complete development of a country, the welfare of the world, and the cause of peace require the maximum participation of women as well as men in all fields."

Why IWY

The Secretary General of the United Nations, Kurt Waldheim, has reinforced the justification for this Year by pointing out: "We are talking, after all, about half the world's population, and we must think positively about how the position of women in their own societies, and in international affairs, could not only be improved, but their large potential contribution be better utilized for the benefit of all."

Helvi Sipila, a United Nations Assistant Secretary-General for Social Development and Humanitarian Affairs, and Secretary General for International Women's Year, adds another dimension when she says: "The critical problems that confront the world today—including shortages of food and fuel, out-of-control inflation, and a general deterioration in conditions of daily life—often bear down especially hard on women. Thus it is particularly ironical that women are still largely denied the right and the opportunity to play a full role in dealing with these problems. Considering the waste of talent and energy involved, that is a truly tragic paradox for the whole human race."

The theme of International Women's Year sets forth the agenda for the Year:

- to promote equality between men and women;
- to insure the full integration of women in the total development effort, especially taking cognizance of the potentialities of women to share the responsibility for their well-being in economic, social, and cultural life at the national, regional, and international levels;
- to recognize the importance of women's increasing contribution to friendly relations and cooperation among countries and to the strengthening of world peace.

The emblem for the Year consists of a stylized dove, the biological symbol for women, and the mathematical sign for equality. This logo was designed by Valerie Pettis, 27-year-old graphic designer in New York.

A World Conference on women's roles in society will be held June 19-July 2, 1975, in Mexico City. All U.N. member states are invited as well as the specialized U.N. agencies and U.N.-accredited nongovernmental organizations.

Parallel activities are a Tribune for all who wish to participate, a Journalists' Encounter Group, and a Seminar on Women in Development, sponsored by the Association for the Advancement of Science.

The International Plan of Action, which will concern itself with eliminating discrimination against women, and the most important policy document to be formulated by a World Conference, will be voted upon during the final days of the Conference. If approved, the World Plan of Action will then be referred to the U.N. General Assembly. Only after it is approved by the General Assembly does it become consensus policy. Implementation of the Plan is left to each country.

As we come to the consideration of our United States plan of action for International Women's Year, this overview of the U.N. superstructure is essential for an understanding of the in-tandem aspects of this Year, internationally and nationally.

National Picture

On the national level, the people in governmental agencies interested in International Women's Year formed a working group shortly after the U.N proclaimed the Year and set objectives to be accomplished.

The result was a U.S. Center for International Women's Year, created in September 1973 by a grant from the Department of State to a private foundation, Meridian House International, in Washington, D.C. The Center was established to provide information on the Year and to coordinate efforts in the private sector throughout the country.

In January 1974 President Nixon proclaimed 1975 as International Women's Year and called for its national observance. One year later—at a ceremony in the Cabinet Room of the White House on January 9, 1975—President Ford signed an Executive order creating a National Commission for International Women's Year. This Commission is composed of 35 persons selected from the private sector and appointed by the President and 4 members named by Congress.

In a forceful statement delivered on this occasion, President Ford remarked: "The relationship between the improved economic and educational status of women and the improvement of the communities in which they live is clear. Where women are held back, their families are held back. The vast potential of women has only been partially explored. Opening up new doors to approximately half the world's population is vital to solving many of our international problems."

On February 12, 1975, Mildred Marcy, a high-ranking official of the United States Information Agency, was named Coordinator for International Women's Year. Mrs. Marcy was given special responsibilities to supervise the staff of the Secretariat for IWY in the Department of State, to plan for United States participation in the World Conference, to serve the National Commission, and to be the presiding officer of an Interagency Task Force.

Although the mechanisms are in place for the national observance of this Year, it cannot accomplish its mission unless people know about it and are challenged by the possibilities of International Women's Year. Thus there should be in every office, bureau, agency, and department in the Federal Government a catalytic organization to assist with the development of programs and projects during IWY, based upon the goals of equality, development, and peace.

Examples follow of topics for general consideration, with specific references to women in Government, under the theme of Equality, Development, and Peace.

Equality

General

—Achieving equality before the law.

—Encouraging women to enter into the mainstream of economic and political life.

—Balancing rights and responsibilities in the family.

Specific

—Setting equal employment opportunity as a high-priority objective by management.

—Making the Federal Women's Program a model for other governments to observe through commitment by management of resources, funds, and personnel.

—Recruiting women for all job classifications and utilizing fully the skills of women already in the work force.

Development

General

—Improving awareness of living conditions and of economic and social problems of disadvantaged women in our country and in the world.

—Insuring equality of

educational opportunities at all levels.

—Seeing to it that our foreign assistance is used to help with the economic integration of women (Percy Amendment to the Foreign Assistance Act, December 1973).

Specific

—Involving women in policy formulation and decisionmaking.

—Assuring upward mobility for women in employment.

—Providing for women: counseling and guidance; training and educational programs; "on the job" early access to career paths leading to positions with broad management responsibilities.

Peace

General

—Building a partnership based on understanding between the American people and their Government, which will evolve and sustain American foreign policy.

—Assessing U.S. strengths and vulnerabilities in an age of global interdependence.

—Understanding the impact on women of issues such as energy, food, population, economics, and environment—where what is done domestically and what is done internationally are interrelated.

Specific

—Seeing to it that your agency makes a record that the IWY National Commission may be able to point to with pride in its report to the President.

—Endorsing the partnership principle of men and women serving on all delegations to international conferences, seminars, advisory commissions, and as recipients of grants in exchange programs.

—Sponsoring an Open Forum to discuss the International Plan of Action, the work of the U.S. National Commission for the observance of International Women's Year, and the U.S. Center for IWY, and to discuss U.N. documents such as the Declaration on the Elimination of Discrimination Against Women, and all instruments relating to women's rights and responsibilities.

As the program of each agency develops, it should be made applicable to the agency's mission and should incorporate, if possible, the concept of interdependence and a changing world within the context of International Women's Year.

New Direction

During International Women's Year, the women in the world with a vision of a Declaration of Interdependence may make the critical choices that could change the course of history. They may insist on their integration into national life so that they can influence the development of their own status, but even more important so that they may chart a new direction to meet the global challenges before us. This new direction places upon each person, group, and nation the responsibility of determining the collective consequences of initiatives or power plays undertaken by any one of these segments of society.

There is always the possibility that women will help to institutionalize detente, to cajole consuming societies into conservation, to spur the economically unproductive into production, and to insist that governments march to the mandate of a stable world order "of the people, by the people, and for the people."

At least there are indications that International Women's Year is a movement toward these objectives and that women in the world feel the bond of interdependence.

LEGAL DECISIONS

Women and the Law—
the Changing Concepts of Sex Discrimination

The area of sex discrimination and the law has undergone a substantial metamorphosis as social values, concepts, and understandings have changed. In the eyes of 1975, we would no doubt find it incredible to believe that a distinguished Justice of the Supreme Court could ever have said the following:

"Man is, or should be, woman's protector and defender. The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life. The constitution of the family organization, which is founded in the divine ordinance, as well as in the nature of things, indicates the domestic sphere as that which properly belongs to the domain and functions of womanhood. The harmony, not to say identity, of interests and views which belong, or should belong, to the family institution is repugnant to the ideas of a woman adopting a distinct and independent career from that of her husband. . . .The paramount destiny and mission of woman are to fulfill the noble and benign offices of wife and mother. This is the law of the Creator." (*Bradwell* v. *Illinois*, 83 U.S. [16 Wall.] 130, 141 (1873) (Bradley, J., concurring).)

While such views are incomprehensible to many today, is it incomprehensible that the State would pass child labor laws also "protecting" the rights of women by limiting their workdays or prohibiting their employment at night? Yet such "protective" laws,

once thought to be in the forefront of social progressive legislation, are now viewed as paternalistic, chauvinistic discrimination against women.

Indeed, the Supreme Court recently held that Corning Glass Works had deprived its female employees of equal pay for equal work because inspectors working during the day (traditionally women) were paid less than inspectors working at night (traditionally men, because Corning was prohibited under New York State "protective" legislation from hiring women at night). The reason night workers—men—were paid more was that Corning could not get them for less, whereas it could get female employees during the day for less. When the protective laws in New York were lifted and Corning began to hire women inspectors at night, such women were paid the same salary as male inspectors at night. Nonetheless, the Court found that the daytime female inspectors were being denied equal pay for equal work on the basis of their sex and Corning was held responsible in damages.(*Corning Glass Works* v. *Brennan,* 417 U.S. 188 (1974).)

It is well to ask what concepts of the law have been changing to keep pace with modern understandings of the role of the female in our society. The major thrust of the law in this area, but by no means the only, has been in the area of Fourteenth Amendment Equal Protection rights. The general rule in this area has been that legislation does not violate the equal protection clause merely because it treats different classes of people differently; rather, if there is a reasonable basis for this disparate treatment, the legislation will be upheld. (*Shapiro* v. *Thompson,* 394 U.S. 618 (1969); *Levy* v. *Louisiana,* 391 U.S. 688 (1968); *Williamson* v. *Lee Optical Co.;* 348 U.S. 483 (1955).)

For example, Federal income tax laws that treat different economic situations in different tax brackets do not violate the concepts of equal protection although taxpayers are treated "unequally." There is, however, another view of equal protection that is relevant to a discussion of sex discrimination. Where the classification among persons is "inherently suspect," then a reasonable relationship will not sustain the classification; here more is required in that there must be a compelling government interest.

Thus a distinction among persons based upon national origin can only be sustained if there is a compelling government interest (*Hirabayashi* v. *U.S.,* 320 U.S. 81 (1943); *Korematsu* v. *U.S.,* 323 U.S. 214 (1944)), and racial classifications are also subject to the most rigid scrutiny of the compelling government interest test (*Loving* v. *Virginia,* 388 U.S. 1 (1967); *McLaughlin* v. *Florida,* 379 U.S. 184 (1964)). To a great extent, the test used will determine whether a particular statute violates the equal protection clause.

What, then, are distinctions based upon sex? Is sex an inherently suspect classification? Is it subject to the compelling government interest test or simply the test of reasonable classification? In 1971 the Supreme Court, in *Reed* v. *Reed,* 404 U.S. 71 (1971), took the first step in the modern enunciation of the law of sex discrimination. In *Reed,* the Court struck an Idaho law under which a husband received preference over his wife in appointment as administrator of a deceased child's estate. This sex-based discrimination was found violative of the equal protection clause. In striking the law, the Court said:

"To give a mandatory preference to members of either sex over members of the other, merely to accomplish the elimination of hearings on the merits, is to make the very kind of arbitrary legislative choice forbidden by the Equal Protection Clause of the Fourteenth Amendment; and whatever may be said as to the positive values of avoiding intrafamily controversy, the choice in this context may not lawfully be mandated solely on the basis of sex."

In reaching this decision, the Supreme Court referred to the reasonable classification test and made no reference to suspect classifications.

On the basis of the *Reed* decision, the Supreme Court just recently struck down a State statute that had extended to age 18 for females and age 21 for males the period during which a person is considered a minor in the context of child support. (*Stanton* v. *Stanton,* 43 U.S.L.W. 4449 (1975).)

Two years later, in *Frontiero* v. *Richardson,* the Court struck a Department of Defense regulation under which female members of the uniformed services could only receive dependency pay allowances if they could establish that their husbands were dependent upon them, while male members of such services were entitled to dependency pay for their wives without such proof. The Defense Department's reasoning was based on practical considerations, namely that there were so many male members of the services that it was impossible to hold hearings on the dependency status of their wives, whereas there were so few female members of the services that hearings could economically be held.

In striking down this sex-based distinction, three Justices found the classification to be violative of the normal rules of equal protection since administrative convenience could not be found to support a sex-based classification. One Judge concurred simply by citing *Reed* v. *Reed.* Justice Rehnquist dissented and four Judges struck the classification because, in their view, sex classifications were suspect classifications subject to the more stringent standards of the compelling government interest tests.

The decision in *Frontiero* illustrates the long road traveled by the Court in connection with sex-based classifications. But four Judges do not make the majority of the Supreme Court, and while eight Judges felt that the sex classification in *Frontiero* had to go, the Court as a whole had left unresolved the question of whether sex is a suspect classification.

That issue was decided in January of this year in *Schlesinger* v. *Ballard,* U.S. Supreme Court No. 73-776,

January 15, 1975. In *Ballard,* a male member of the Navy challenged Federal statutes under which he was subject to separation from the service if, after more than 9 years as a commissioned officer, he failed for a second time to be promoted to lieutenant commander. A similar statute provided that for female members of the service the separation period was 13 years of active service. Claiming that the 9-year period was a classification based upon sex and relying on *Frontiero,* Ballard sought to have his separation set aside. In rejecting his claim, the Court noted:

"Congress may thus quite rationally have believed that women line officers had less opportunity for promotion than did their male counterparts, and that a longer period of tenure for women officers would, therefore, be consistent with the goal to provide women officers with 'fair and equitable career advancement programs.' "

In further noting "the complete rationality of this legislative classification," the Court is here rejecting the compelling government interest test in favor of the rational relationship concept, and in applying that concept has upheld the sex-based classification in *Ballard.* (See also *Kahn* v. *Shevin,* 416 U.S. 351 (1974), in which the Court held that there was a rational basis for a State to grant widows a tax preference not granted to widowers.)

But equal protection is not the only area the courts have dealt with in advancing the equality of women in our society. Thus in *Cleveland Board of Education* v. *LaFleur,* 414 U.S. 632 (1974), the Supreme Court held that a woman's due process rights to rear children are violated by the Board of Education's mandatory pregnancy leave policy. A woman could not be forced to choose between her job and having children. It is significant that *LaFleur* is not based on an equal protection argument such as "this is a sex discrimination" because only women can have children and therefore only women are subject to mandatory pregnancy leave. Rather, it is a due process argument based on the right to have children, an argument not dissimilar to that used by the Court in upholding the right of a woman, at least in the early stages of pregnancy, to decide to have an abortion (*Roe* v. *Wade,* 410 U.S. 113 (1973)).

But while a woman may not be forced to choose between having children and her job, must the State include her within its disability insurance program for the temporary disability caused by childbirth? In *Geduldig* v. *Aiello,* 417 U.S. 484 (1974), the Supreme Court answered that question "no." In doing so, the Court noted that California's disability insurance system was funded entirely by contributions from employees and was a self-sustaining system. Thus if temporary disability from normal pregnancy were included, the State would either have to increase the amount of employee contributions, reduce benefits for other types of disability, or do away with the self-supporting nature of the system. The Court held that California did not have to include the temporary disability due to normal childbirth and pregnancy within the program. In doing so, the Court considered the argument that a sex-based discrimination was involved and rejected it, noting:

"The California insurance program does not exclude anyone from benefit eligibility because of gender but merely removes one physical condition—pregnancy—from the list of compensable disabilities. While it is true that only women can become pregnant, it does not follow that every legislative classification concerning pregnancy is a sex-based classification like those considered in *Reed, supra,* and *Frontiero, supra.* Normal pregnancy is an objectively identifiable physical condition with unique characteristics. Absent a showing that distinctions involving pregnancy are mere pretexts designed to effect an invidious discrimination against the members of one sex or the other, lawmakers are constitutionally free to include or exclude pregnancy from the coverage of legislation such as this on any reasonable basis, just as with respect to any other physical condition.

"The lack of identity between the excluded disability and gender as such under this insurance program becomes clear upon the most cursory analysis. The program divides potential recipients into two groups—pregnant women and nonpregnant persons. While the first group is exclusively female, the second includes members of both sexes. The fiscal and actuarial benefits of the program thus accrue to members of both sexes."

While at first blush the Court's attempt to avoid the equal protection question may appear hollow, one cannot deny that there are indeed women who are not and do not wish to become pregnant and who thus would benefit from any program that kept the costs of disability insurance paid by employees to a minimum level. It is suggested, however, that *Geduldig* and *Ballard* betray a more fundamental view of sex discrimination by the Supreme Court.

What distinguishes *Geduldig* and *Ballard* from *LaFleur, Reed, Frontiero,* and similar cases striking down statutes as discriminatory on the basis of sex is that in neither of the former cases could the Court find a stereotyped or generalized view of women that resulted in the legislation that was challenged. Thus, for example, the basis for the Idaho statute struck in *Reed* was the "self-evident proposition" that males were more qualified than females to handle financial matters; in *Frontiero,* the challenged regulation implied that males support their families and females are simply providing second incomes; whereas *Geduldig* concerned itself with objective, real, nonstereotyped action—the costs of temporary disability caused by maternity would have increased payments from the fund by some 34 percent.

This distinction is brought out even more forcefully in the *Ballard* case where the Court notes:

"In both *Reed* and *Frontiero* the challenged

classifications based on sex were premised on overbroad generalizations that could not be tolerated under the Constitution. In *Reed,* the assumption underlying the Idaho statute was that men would generally be better estate administrators than women. In *Frontiero,* the assumption underlying the Federal armed services benefit statutes was that female spouses of servicemen would normally be dependent upon their husbands, while male spouses of servicewomen would not.

"In contrast, the different treatment of men and women naval officers under §§ 6401 and 6382 reflects, not archaic and overbroad generalizations, but, instead, the demonstrable fact that male and female line officers in the Navy are *not* similarly situated with respect to opportunities for professional service. The appellee has not challenged the current restrictions on women officers' participation in combat and in most sea duty."

The question that remains to be answered is what statutes or actions are based upon what may be called stereotyped or generalized views of women? *Reed* and *Frontiero* are "clear" cases of stereotyping; but is the statute in *Ballard* based on a stereotype? Are women less capable of being members of the armed services and fighting on the front lines? Do the statutes that prohibit such participation draw a generalized, stereotyped view of women and do they violate the equal protection clause? These are questions that the Court did not address in *Ballard,* simply noting that there had been no challenge to such statutes.

I suggest that such questions will be answered depending upon the particular societal view prevalent at the time the decision is rendered. Whether such view is good constitutional law or not remains to be seen. (See Rehnquist dissenting in *Taylor* v. *Louisiana:* "But surely constitutional adjudication is a more canalized function than enforcing as against the States this Court's perception of modern life.") Support for this view is found in a comparison between *Hoyt* v. *Florida,* 368 U.S. 57 (1961), and *Taylor* v. *Louisiana,* 43 U.S.L.W. 4167 (1975). In *Hoyt,* a woman had been convicted of murder for killing her husband. She had been tried before an all-male jury whose composition was a direct result of a Florida statute which provides, in effect, that a woman cannot be called for jury service unless she volunteers. In rejecting a challenge to this sex-based jury selection procedure, the Court noted:

"Despite the enlightened emancipation of women from the restrictions and protections of bygone years, and their entry into many parts of community life formerly considered to be reserved to men, woman is still regarded as the center of home and family life." (368 U.S. at 61-62.)

Thus Florida's exclusion of women from jury service unless they volunteer to do so constituted a reasonable classification and the conviction was upheld.

Yet in 1975 the Court set aside the conviction of Billy Taylor, a male who was convicted by an all-male jury in Louisiana. The jury composition was attacked in *Taylor* because of Louisiana provisions under which a woman was excluded from jury service unless she volunteered to be subject to jury service.

While attempting to distinguish *Hoyt* on rather technical grounds, the real distinction between *Hoyt* and *Taylor* is emphasized by the Court's footnote 17, which consists of a compilation of statistics showing among other things that approximately 54 percent of all women between 18 and 64 years of age were in the labor force and that 51 percent of mothers whose husbands were in the household were in the labor force, etc., and then concludes that "while these statistics perhaps speak more to the evolving nature of the structure of the family unit in American society than to the nature of the role played by women who appear to be members of the family unit, they certainly put to rest the suggestion that all women should be accepted for jury service based solely on their sex and the presumed role in the home."

The increasing number of women in the labor force also had its effect in *Weinberger* v. *Wiesenfeld,* 43 U.S.L.W. 4393 (1975). In that case the Supreme Court held that Social Security provisions allowing widows to receive survivor benefits while caring for minor children, but excluding widowers from such benefits, were unconstitutional. The Court noted that the provisions defeated one of the express purposes of the Social Security Act—to provide the surviving parent with the ability to remain at home and care for the child. The Court further noted that "The Act discriminates against the child solely on the basis of the sex of the surviving parent."

The evolving nature of the role of females in our society has resulted in a change in judicial attitudes toward the rights of women. While sex-based classifications are not inherently suspect and subject to the rigid scrutiny of the compelling government interest test, such classifications will not be upheld on grounds of administrative convenience, nor will stereotyped or generalized views of woman and her function in our society be permitted to sustain them.

—Carl F. Goodman

MANAGEMENT CAN MAKE IT HAPPEN

by Jayne B. Spain
Vice Chairman
U.S. Civil Service Commission

WHEN I was appointed Vice Chairman of the Civil Service Commission in June 1971, I was directed by the President to see more women advancing to higher grades of Government. As I surveyed the situation in Government (or, as one manager stated, "Federal women's predicament") I became aware that much groundwork had already been laid to strengthen women's position. Executive orders had been signed, statistics had been gathered, studies were made, and agency affirmative action plans had been formulated.

The decade preceding my appointment had seen the establishment of a Commission on the Status of Women by President Kennedy. The Commission soon requested a new interpretation of the 1870 law permitting Federal agencies to restrict civil service vacancies to *men only* or *women only*. In 1962 the Attorney General declared this interpretation invalid and 3 years later Congress repealed the law.

In 1962 the Commission issued regulations requiring that all appointments in the Government be made without regard to sex, with the exception of certain positions involving custodial and institutional work, and law enforcement jobs requiring the bearing of firearms (a restriction lifted in 1971). President Johnson issued an Executive order in 1967 that added sex to other prohibited forms of discrimination in Government, and the Commission established the Federal Women's Program. And in 1969 an Executive order made the Federal Women's Program a part of the overall EEO program and

raised the focus of attention on women.

Forging Ahead in New Areas

With this background I realized we had made a good beginning in the area of equal rights for women. I also realized how far we still had to go, and how we had to not only build on accomplishments of the preceding decade but also forge ahead in new areas.

Progress for women has continued, and passage of the Equal Employment Opportunity Act of 1972 is providing strong support for continued advancement of women into the 1970's. For the first time discrimination against a Federal employee or applicant on the basis of sex is against the law, and agencies are required to outline their plans for training and upward mobility programs that must include women as well as members of minority groups.

Yet I must be frank. Despite some progress since 1971, I am disappointed. We have not yet made enough progress if we are going to see a substantial increase in the number of women in the higher grade levels throughout the Government. Even with recent improvements we have a long road ahead, and I am disappointed in both managers and in Federal women themselves for not trying harder.

I say I am disappointed in managers. True, managers have stopped ridiculing equal employment opportunities for women. True, they have stopped, by and large, using blatantly sexist language. True, managers have quit specifying "men only" for certain jobs (because regulations compelled them to). And this is really coming a long way from 1962, when more than one-half of the requests from Federal agencies for qualified persons from competitive examinations specified "men only" for all jobs above GS-4, and for 94 percent of all jobs at grades 13-16. And it is true that most managers have stopped dismissing the Federal Women's Program as something they would look at once a year and then forget about the rest of the time.

Yet in many ways we are finding it is more difficult to correct the attitudinal bias that still exists among many managers than it is to correct actual discriminatory practices through hard-won legislation. Yes, there is no question that we have a long way to go to assure equal employment opportunity for women. Statistics illustrate my point. About 40 percent of nonpostal white-collar workers are women. This sounds impressive until one considers that 75 percent of these women are still in grades 6 and below. Only 1.4 percent are in grades 13 and above.

Women are still not included in the mainstream of policy making. Women may be promoted to higher grades, but too often do not occupy key action positions. They are still not fully considered for blue-collar positions, where tradition continues to work against them.

In my opinion, not enough imagination is employed in giving women full exposure to all types of managerial duties. Male managers (and most managers are still male) insist on thinking of "the bright young *man* on the way up" instead of "the bright young *person* on the way up." Often they won't consider giving a bright young woman a chance to participate in training courses. And we still have a long way to go if we are going to completely wipe out the long-standing myths about women workers that have hurt them so much—such myths as "women only work for pin money" and "women have a much higher absentee rate than men." These ideas have been proved untrue, and yet they still exist in the minds of far too many managers.

In summary, it has been my experience that too many managers are all talk and no action when it comes to really helping women achieve equality. But I'm not about to insist that all the blame lies on the shoulders of the Federal manager.

Women, also, must shoulder the blame for their own lack of full participation in the Government's decisionmaking positions. With women we often see a lack of foresight, effort, preparation, and aspiration. Women in the Government often give up too soon, either by not acquiring the necessary education to qualify for the jobs they want or by being satisfied too early with what gains they have already made in their jobs and not preparing themselves for advancement. They aren't willing to make the necessary sacrifices that go hand in hand with success, for either sex.

So women too have been guilty of a great deal of rhetoric but not enough action.

Opportunity for Advancement

It is a truism that for any action the Government takes in the name of the people, for any decision made for its citizens, input should be taken from many different types of people. Different viewpoints should be heard and considered. And this definitely includes hearing women's point of view. They should be heard and listened to. President Ford wrote on March 6 in a memorandum to heads of departments and agencies that he is looking to every manager in the Federal Government "to assure that employees, without regard to their race, national origin, or sex, have an opportunity for advancement in accordance with individual abilities."

According to President Ford, "Equal employment opportunity doesn't just happen; it comes about because managers make it happen." One way of furthering this is an increased accountability on the part of Federal managers to help identify deficiencies and strengthen existing equal employment opportunity programs at all levels.

We need to insure that the system rewards managers whose attitudes do change.

In this time of a sagging economy when jobs are at a premium, the burden is also on women to prepare for careers, to become informed of the legal rights they have, to speak up, and to make the necessary sacrifices. Women must aspire to all levels of the Federal service. Women must make it clear that we are asking for a *chance* to compete, to maybe fail, and to try again. But we are not asking for any special favors or for discrimination in reverse.

Finally, the Civil Service Commission cannot overlook its own responsibility. We too must continue to improve our efforts by restrengthening our EEO evaluation methods.

Nobody can make it alone. We must see responsible and committed managers working with women and Federal Women's Program Coordinators—we will need commitment up and down the line of authority. Now is the time for us to look into the total EEO program and the integrity of the merit system.

How Far We've Come, How Far To Go

We must surpass the accomplishments we have made since the passage of the Equal Employment Opportunity Act of 1972. Since then, affirmative action plans have been prepared by every Federal agency and their field installations, totaling over 1,000 plans per year that have been reviewed for compliance with the law and indepth analysis.

We have dropped the height/weight requirements for law enforcement and other positions.

We have established specific task forces to look at all the Commission's practices in terms of equal employment opportunities at the Federal level, and we are studying equal employment policies at State and local levels of government.

We have identified many of the problem areas women would like to see changed that they now encounter in normal working situations, such as the preemployment interview. In the *Journal,* October-December 1973, we published an article on "Interviewing Women Candidates" where we urged managers that in interviewing women they should talk about the job, not about factors that are unrelated to the job and are sometimes included in interviews of women.

We are increasing guidance to women interested in part-time employment, we are identifying employment problems of women through more comprehensive statistical analysis, and we are publishing a career counseling handbook reflecting the impact of changing patterns of women's lives.

We have already made a change in maternity policy. New guidelines eliminate the difference between the way Government leave policies treat a pregnant employee and one with any other temporary disability. This includes making each agency responsible for assuring the person's continued employment in the same position or one of like seniority, status, and pay.

The dual challenge before us now is motivating Federal managers to work a lot harder than they did last year to improve opportunities for women and, even more important, motivating the women themselves. This applies to young women just starting out, mature women reentering the work force, or women who are staying in low-level positions they have held for a long time.

As I see it, the Commission's job—in addition to assuring compliance with the EEO law—is to constantly remind, prod, and inspire heads of agencies to remember that they have a personal responsibility to exercise leadership in establishing, maintaining, and carrying out a continuing affirmative action program that will promote equal employment opportunity. Heads of agencies must remind the managers and supervisors in their departments of their special responsibility for program effectiveness.

1975 is International Women's Year. If we are ever going to succeed in improving opportunities for women, now is the time. Our goal is to be able to show accelerated progress of women in Federal employment throughout the Government. Only then will we be able to truly boast of our accomplishments, only then will I feel we are really doing our best to strengthen women's position, and only then will "the Federal women's predicament" be nonexistent.

One of the concerns of the Federal Women's Program involves the particular employment problems faced by older women who are now working or are preparing to enter the work force after many years in a nonwork status. For some years, such individuals have had the protective rights of law and regulations specifically prohibiting sex discrimination in Federal employment but nothing comparable for dealing with age discrimination.

The Federal personnel policy and system had long directed that there be no age discrimination. Yet the individual older woman or older man had limited opportunity to challenge specific practices that violated the policy and requirements of the system. Now, however, discrimination complaints such as the following can be surfaced:

Complaint: Not given proper consideration by rating panel in a merit promotion action; inequitable promotion of a younger candidate. *Reason alleged:* Age discrimination. *Remedy asked:* Promotion.

Complaint: Not selected for reassignment to a trainee position with career-ladder potential; inequitable selection of younger applicant. *Reason alleged:* Age discrimination. *Remedy asked:* Reassignment.

Complaint: Priority referral entitlement not observed and not selected from best qualified for repromotion; inequitable promotion of younger candidate. *Reason alleged:* Age discrimination. *Remedy asked:* Repromotion.

Complaint: Mistreatment on the job, including low performance evaluation; improper building of circumstances to enable replacement by a younger person. *Reason alleged:* Age discrimination. *Remedy asked:* Change of performance evaluation and improved work relationships.

These cases are examples from documented complaints of age discrimination filed by older women in Federal civilian employment, cases where corrective action resulted. Each case was resolved within the agency by an informal adjustment satisfactory to the employee, who then withdrew her complaint.

Each case occurred since May 1, 1974. Before that date it might not have been possible for these employees to have their complaints resolved as quickly or successfully, if at all. Why? Because on that date, the Civil Service Commission's EEO regulations first made the discrimination complaints system available to employees and applicants who are from 40 to less than 65 years of age and believe they have been discriminated against on account of age. The complaints system provides comprehensively for administrative due process and includes:

- Pre-complaint stage (consultation with an agency EEO counselor and efforts to resolve the problem informally).
- Formal complaint investigation with affidavits and records documentation.
- Opportunity for informal adjustment.
- Opportunity for a hearing by an examiner assigned by the Federal Employee Appeals Authority.
- Final decision by the agency.
- Right of appeal to the Civil Service Commission.

These developments in the area of age discrimination are the result of Public Law 93-259, known as an "FLSA" law because most of the law's contents deal with amendments to the Fair Labor Standards Act. Not so well known is the fact that P.L. 93-259 *also* amended the Age Discrimination in Employment Act of 1967 (ADEA), extending legal prohibitions against age discrimination to the public employment sector effective May 1, 1974.

Section 15 of ADEA is entitled "Nondiscrimination on Account of Age in Federal Government Employment" and requires that all personnel actions affecting employees or applicants for employment must be free from discrimination on account of age. It authorizes the Civil Service Commission to administer and enforce the ADEA for the Federal civilian employment sector. It requires that the Commission provide for the acceptance and processing of complaints of age discrimination and creates a grievant's specific access to the courts.

The Civil Service Commission is also authorized to establish maximum age requirements as exemptions under the law, but only if CSC determines that age is a bona fide occupational qualification ("BFOQ") necessary to the performance of the duties of a position. To date, CSC has not established any "BFOQ" exemption. There are, however, several occupational categories for which the Congress through other legislation permits exceptions to the general prohibition against maximum age limits in hiring. Covered by section 3307 of title V in the U.S. Code, the categories are park police, air traffic controllers, and law enforcement and firefighter personnel.

Federal agencies are required by CSC to establish a continuing program to assure nondiscrimination on account of age. The Commission also has initiated a number of other steps to reinforce this requirement, including the addition of this program area to (1) the EEO review agenda of CSC onsite personnel management evaluation activity and (2) the EEO components of CSC training courses. Only very limited age-related Federal work force statistics are available at this time, but CSC is now working toward development of a program to produce useful data from automated personnel data files.

—Jeanne Monk

a dialog

FEDERAL WOMEN'S PROGRAM COORDINATORS QUESTION THE MANAGERS

ONE AFTERNOON in Washington not long ago, three Federal Women's Program Coordinators met with three Federal managers and discussed the progress of women in Federal employment. We present on these pages major excerpts from their discussion.

The participants were: Dr. Ruth Kirschstein, Director of the National Institute of General Medical Science; E. Gregory Kryza, Executive Director of the Bureau of African Affairs in the Department of State; Raymond J. Sumser, Personnel Director of the National Aeronautics and Space Administration; Oceola S. Hall, Federal Women's Program Coordinator at the National Aeronautics and Space Administration; Florence Perman, Director of the Federal Women's Program at the Department of Health, Education, and Welfare; and Georgiana Prince, Federal Women's Program Coordinator at the Department of State.

Civil Service Commission's Helene Markoff, Federal Women's Program Director, acted as moderator and opened discussion with a question for the managers.

Markoff:

Have you as managers in the Federal Government perceived any change in recent years within your respective agencies in terms of a serious commitment to the training or advancement of women?

Sumser:

I've seen changes throughout the culture, throughout the society, but I've seen changes in NASA also. I see us getting a little more sophisticated, so that we begin to talk about goals by grade level and goals by manager and nonmanager, supervisor and nonsupervisor, promotion-type goals, training-type goals, and so on. I mean specifically quantifiable goals.

Kryza:

We've made breakthroughs in recent years in the domains that were out of bounds for women—for example, the administrative officer. For years now, we've had roving women administrative officers. These are women who go in on a temporary basis and fill in for the administrative officer who is on leave or sick and really take charge. . .results have been excellent.

They're also entering into the field of general services, which is the nuts and bolts administration. These are the people who have to be able to deal in the native language with the whole gamut of society, ranging from the protocol officer in one Ministry through some exploitive entrepreneur down to the unlettered laborers.

Kirschstein:

I think the biggest thing I've seen is that when positions become available, people are beginning to think about women. At NIH, for example, when looking for directors of institutes and directors of the National Institutes of Health itself, they have now set up search committees very similar to what universities do for professorships. This was something that was not done in the past, and for the first time I think the people on the search committee actually stop and think of who might be available—not just among the people they know, but among the population at large.

Perman:

The Federal Women's Program was established because there was a problem and. . .heads of agencies and managers have been told to implement this program. But it's been very slow moving. There's been movement when somebody—a group or a congressional committee—has said what are you doing *now*, and I believe managers should not wait until people are at the door banging when they should do something earlier.

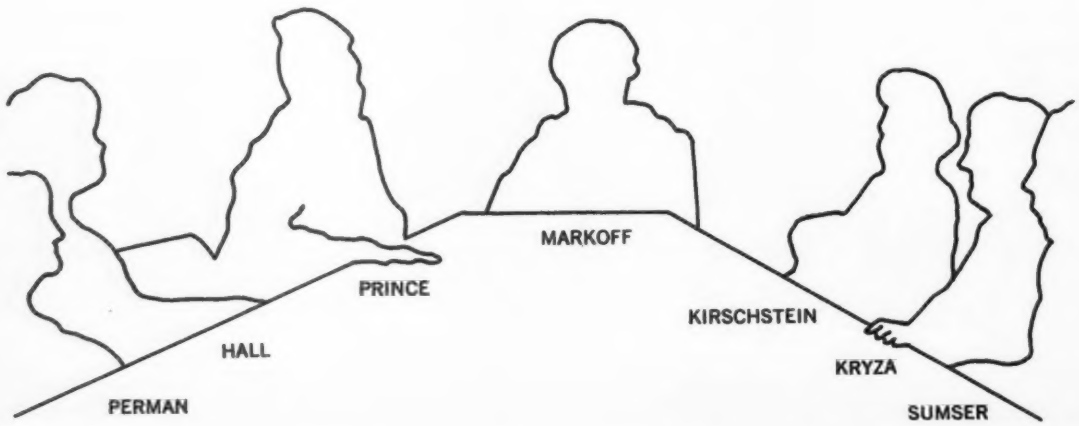
Sumser:

I think that's true. But I also think you get frustrated because women don't seem to be joining the cause, so to speak, and it seems to me that while that's one way that does accomplish something, it's not the only way to accomplish things. And it may not be the only way because women are persons, they're employees, and other employees don't join any more readily than women do in a generalized attack on things. They tend to join more when promotion processes have failed and "let's have a meeting to talk about *that*," rather than something which takes an intellectual sort of effort by some people to wind themselves up. . .on a philosophical basis. They think twice when it comes to joining a group for purposes which are very clear to Federal Women's Program Coordinators, clear in laws and Executive orders, but aren't so clear in the minds of individuals about where they stand and how much personal energy they want to exert in that direction.

. . .I'm just suggesting that there are other ways, and probably the most effective way I've found is that my managers decide to do something, the next line manager up the line says we're going to do it, and I think most frequently when it doesn't get done—at least I find this in my agency—it's because the support isn't that visible. And I'm not sure that groups are going to change that. It may take a different kind of energy that we haven't seen or devised on a Federal-wide basis, to get that sort of action started.

Hall:

OK, I'd like to throw out a question. I'd like to know how women can get ahead, rather than why



aren't they there, because there seems to be some kind of criterion base that men know about that a lot of women don't know about. So I'd like to ask a question—what kind of behavior do you, you as a manager, welcome on the part of women? And what behavior do you consider objectionable, either as coworkers or as an employer?

Kirschstein:

I look at people, when I have a position open, based on their qualifications. I don't really care who the person is as long as the qualifications are met.

Hall:

Do you welcome aggressive behavior from both men and women? There is a myth among some people that if a woman is aggressive she is pushy, and women really want to know what kind of behavior managers would welcome.

Kirschstein:

I would not welcome anybody who is aggressively hostile, which implies a chip on the shoulder and "if you don't do it for me, I'm going to do so and so," but somebody who is highly qualified and very sure of himself or herself, fine. And I think if you are well qualified you can *be* sure of yourself.

Hall:

What kind of behavior would be objectionable? You did mention hostility. What kind of behavior would you managers consider objectionable? Laziness?

Kryza:

Lack of enthusiasm.

Sumser:

I've tried to answer that question. It's apparent to me that we've all had some difficulty about that question, and I don't really identify female vs. male behavior in that sense. But I think what I look for is people who are willing to take the risk because they're confident in their abilities and they're willing to go stand on the line for something. Now that something might be a willingness to undertake a project of leadership, a willingness to express themselves at meetings on a subject. . .you know, a subject where there's some risk in saying what your view is because it's a tough question, or because it's a decision that might involve some people emotionally, hurt some people, or help some people.

Maybe that's assertiveness in a way. . .because I think in terms of what a woman can do to put herself in a better position, assuming she's in the right line of work and the right place. . .and I think it's to be willing to do that. Be willing to take some risks, be willing to go maybe a little bit beyond what she has done in the past, or what her associates have done in the past.

Kirschstein:

And I don't think we should lower the standards. I think it takes enthusiasm, a desire to learn, an ability to gain experience quickly. But I don't think you should lower the standards because if you do that, you're saying that there are two levels of ability and I don't think that's true.

Markoff:

I'd like to throw another question out if I may. In listening to some of your responses about how you evaluate people based on their qualifications. . .and I think those are beautiful. . .still if all managers would behave so, we would have no need for the program and we could self-destruct.

But I'd like to ask some of your ideas on how you respond to other colleagues, whether they're subordinate supervisors or superior supervisors—because we all have a boss somewhere—how do you respond to other colleagues if they should carry with them, whether it's a he or she, a kind of prejudice and put women down in their thinking? How do you deal with that on a peer level or on a vertical level? Anyone who would like to respond—maybe you've never run into it?

Kryza:

As an inspector, which was my role for the past few years before

Kirschstein

Kryza

Sumser

Prince

Hall

Perman

moving into the job I have now, I probably encountered face to face one-third of the foreign service, and I honestly have not seen too much evidence of this.

Kirschstein:

I would agree, but to get back to what started the question, which is the more important point as far as I am concerned, I disagree that the program could self-destruct if everybody reacted the way you say we do. It's still a question of *thinking*—it's still much easier to identify for top-level positions 20, 30, 40 men who are qualified, and it's very easy to make a selection. It saves you time, effort, it's quick, you can get the position filled and have it running right away.

The program is not going to self-destruct until there are an equal number of people you can identify in a minority group and until the women are at least some reasonable number, so that you can make a selection based on qualifications, etcetera. And the situation is still such, that as you're looking for somebody you have to think positively, take an affirmative action, or nothing will happen.

Sumser:

The problem is multi-faceted, but we need to worry a good deal more about where the women candidates are coming from, and particularly in the sciences you have this problem. Maybe because of discriminatory actions by employers or maybe because women were not willing to go into certain of the hard sciences. . . .

Markoff:

Or maybe because they were not counseled into it, or maybe because the doors were shut in colleges, or maybe because they were counseled out.

Sumser:

They are not coming into the pipeline in substantial numbers. Now in the softer areas—social sciences—there were always women. . .but in the hard sciences the numbers are astoundingly small, which doesn't mean you can't find some women for high-level jobs. What it does mean is that on a continuing basis, if you don't expand the pipeline at the bottom, the flow will never achieve the level where you can self-destruct the program and have an equivalent number of men and women available for the jobs.

I don't think anyone is doing enough about that problem and I mean *anyone*. The Congress is not, the executive branch is not, no agency is, Civil Service Commission—no one is, in terms of building that pipeline up. The numbers in engineering, for example, are something in the order of one to two percent. Now you take one or two percent divided by the thousands of employers who are seeking women engineers—and I'm saying not just today, but downstream for high-level jobs—and you have a big problem that has to be attacked, and at the same time you should tackle today's problem.

Markoff:

I agree with you nobody is doing enough, but the women's movement this time around is relatively young and the problems start in elementary school—in elementary schoolbooks and what they perceive as the little boy's role and the little girl's role—and then on up through the years. And there has been some interesting research—Dr. Helen Astin on women excelling in math until they reach puberty and then they find out they're not very popular if they beat the boys in math and so they fall back, unless they're in a girls' school and then they continue to excel in math.

. . .so the women's program has to be more than recruitment, and it has to be more than alleviating management problems, and it's more than motivating women. It has to phase in with the society around us, how we are educating our women. It has to be hit on many levels at the same time, and any reasonable person in criticizing your agency must look at the skills available, and I hope that when

you're developing your numerical goals and timetables, you're doing it with full consideration of the amount of turnover and the skills available.

Perman:

. . .about not enough women being encouraged to go into the sciences, I think it is true, though I think some of that is changing. But what discourages me is the very small number of women who have significant positions in administration. Now you've just said there are plenty of women in social sciences, but where are they? I was in a meeting this morning with the management staff of an administrative office and all the administrators were there; there wasn't one woman. Not one of the staff is in charge of a program that requires knowledge of mathematics, physics, or chemistry, or law, and so even where there is an adequate supply, beyond a certain point they have not been sought.

Markoff:

And just to "piggyback" onto what you're saying, personnel administration is over 50 percent female, but when you go to an IAG meeting, I think you can count on one hand the directors of personnel who are women.

Sumser:

That's an excellent example. I've made that observation many times myself, yes. . . .I believe that you have to set the goal to have some female directors of personnel, otherwise you're not going to get any. And I think that means, as Dr. Kirschstein said, you have to consciously look at the problem—and you have to decide you're going to do something. You can't just make an observation about it.

Markoff:

Well that's the whole concept of affirmative action plans. . .to identify your problem area and develop a specific action item to alleviate the problem. And delineate responsibility for the action items.

Hall:

Absolutely. My main concern is affirmative results. And in the Federal Women's Program I'd like to know from you managers what suggestions would you give to women that will enable them to overcome the hurdle of being perceived as soft and unable to manage—getting them more into management positions, particularly in the hierarchy where all of the top-level people are men. What suggestions would you give?

Kirschstein:

I would start by saying: learn what you're capable of doing. . .do it well. . .and have full confidence in yourself. And have enough confidence to try to take the challenge, the gamble that we discussed before, for the next step. And apply for whatever it may be. See what your competition is, see what you need to learn to make you qualified if you are not already qualified. Be ready for it and don't take a back seat. It's a quiet assertiveness, with the qualifications and confidence in yourself.

Perman:

Some thoughtful women get very discouraged.

Kirschstein:

That's the problem, you can easily *get* discouraged. I could have gotten discouraged in college, I could have gotten discouraged in medical school. If you really want to do something, and achieve it for yourself. . .and I would suggest that most women like most men aren't interested in achieving it for some altruistic goal, "because I want to do something for women"—it's because I want to do it for *myself*. . .then you can't afford to get discouraged. That's part of the business. You've got to be *en*couraged.

Hall:

There are those women who are qualified, and who have self-confidence, and somehow they just never make it into managerial positions. Now there appears to be some hidden criteria by which managers are selected. Maybe I'll put a tag onto my question—what is a career plan for a manager? How can women get into managerial positions? What kind of career planning would you suggest?

Sumser:

That's a tough question. . .In science, line management is technical management. The managers who run the programs are people who have done the programs in the past, so you have to get an education to be in technical management, an education that fits the organizational interests of where you work. . .the occupation. . .or the discipline. . .or whatever it is, whether that be engineering, physics, or a smaller occupation within those categories. And specialization is pretty important in most of these disciplines today. Generalists in those fields are not much sought after at the entry level.

You've got to get in the field first, and once you're in the field. . .as you go up the ladder. . .and there is, I think, a nonsupervisory ladder that is generally followed by a supervisory ladder. . .you need to be assertive, take the risks, put yourself and your reputation—your professional reputation—on the line in order to get that one step ahead.

. . .it's hard work to get to be a manager. It's being willing to sacrifice and work hard and long hours, and throwing yourself into the business. And that's what gets recognized as good performance. I think that's not all. . .you have to have a management that is willing to. . .I'm going to say "take a risk" but I don't mean that in a negative sense. What I mean is. . .it's new to a lot of people to have women running things. So you've got to find somebody who is willing to accept the change, who is willing [interruption]—yes, I think it's attitude—who is willing not to lower standards, but to say all right, I found a woman who can do the job, now am I willing to put the woman in the job, and that's important.

Now I think that in some way answers your question.

Markoff:

Yes, that answers it very well, I think. If I could add one little thing. . .you know, I hate it when I'm speaking before a group of women and some women look at me like I have arrived—like I'm from Washington, D.C., and what more could anybody ask. And when they ask me I don't know what to say—I answer something like you did. But if I just want to make it brief, I say three things, three P's—Patience, Perseverance, and Productivity. Now let's say a woman *has* Patience, *has* Perseverance, and *has* Productivity. . .and still it doesn't work. . .because that could happen too. Then she needs a Sponsor. . .so it's P-P-P-S. . .a new system.

Hall:

. . .one who would come to the rescue of a competent woman at a critical time in her career, right, and someone who will say specifically that she is competent and you can depend on her and she will do the job.

Prince:

I'd like to direct a question to the gentlemen—excuse me if I exclude you [Dr. Kirschstein] in all of this. For one of the men then, and speaking of your male colleagues—men who are at the levels you are, who are in responsible managerial positions—do you know any who feel threatened by women striving for jobs that are equal to theirs?

Sumser:

I guess I do. I don't know specific people. . .but I think it would be natural if they did. And I think that's akin to new things happening, and you're always threatened by new things happening. Because of the role that women play in the society here, it would have to be threatening whether they said that or not, it seems to me. . .I think that it will continue to be for some time. I guess the threat is not a threat to life and limb, but it's a threat to role, pocketbook, ego. . .a host of fairly subtle things. . .but I think it clearly is a threat of a sort.

Perman:

I think even when there is a very large group of people from whom to choose, with the top positions the tendency is to choose men, and I use the school system as an example. . .certainly there are enough women, trained, experienced, who can serve as a pool from which to choose the superintendents or assistant superintendents, and yet in most school systems these jobs are not given to women. So I think there's an attitude that managers have about women serving in decisionmaking positions, that as a result women aren't chosen.

But you said earlier—the question had to do with the responsiveness of managers toward the women's program or helping women—and you said that it really boils down to word from the top, the head of the agency. How can the head of the agency make this commitment?

Sumser:

He or she has got to give direction just like he or she does on any other program. . .I mean if an agency gets a program to accomplish, they don't accomplish it by osmosis. . .somebody says "you do that program."

. . .I'm not saying there are lots of bosses who don't want the Federal Women's Program—I'm just saying that to make that more visible they have got to say here's what I want you to do. . . .You know there are lots of people around you who are self-motivating and do a lot of things in the FWP area because of that, but that's not the most effective way to get an organization to accomplish something, by having individuals in the organization independently decide what they're going to do.

Perman:

It is the function of the supervisor to give career guidance—I don't think many of them are aware of it. What should a woman expect in terms of career guidance, or help, or sponsorship from a supervisor—what is a reasonable expectation?

Kryza:

It's mandatory in the organization. . . .

Perman:

Maybe you have a better monitoring system. . . .I'm wondering what should a woman expect in terms of this kind of guidance, and not be looked upon as being aggressive. . . .

Kirschstein:

Well that's the first thing I think we have to get over, the fear that being considered aggressive is going to be a detriment, but I think the supervisor has to make that equally clear. A supervisor, besides doing his or her own job, has to at least partially be an advocate or a sponsor of the people who work there. As Mr. Kryza has said, that is part of the responsibility of being a supervisor.

. . .when opportunities arise for a secretary to become an administrative assistant or something, there should be a certain amount of aggression on the supervisor's part to see to it that that person is considered.

Perman:

Would you suggest, then, that if the supervisor does not consider this person, that this is a sign for her to move on elsewhere?

Kirschstein:

Yes, upward and out.

Sumser:

Too frequently, both men and women do not consider leaving as an alternative. And leaving is clearly an important career alternative. And I think that it's part of that self-assessment and assertiveness that says you ought to find out where you stand either with yourself or with your supervisor or both. . .and decide to go somewhere else.

Kirschstein:

Have the confidence to do this.

Sumser:

That's right.

Kirschstein:

The biggest problem I see in the future is that the country at this moment is involved in economic problems. Some of the advances that we have made may well stop because we have a serious unemployment situation, and even the job market in the Federal Government is tight. And what concerns me is that we go forward. . .I think we're all going to have to work extremely hard in the very near future.

Kryza:

I think that's right—appetites that we've whetted, aspirations and incentives that have been raised, constraints on the budget would sort of put a damper on upward mobility.

Perman:

What would you see as the role of the Federal Women's Program in an agency in motivating managers to seek out good people, encouraging women to seek those jobs? In what way can the Coordinator be effective in it?

Sumser:

There's a great value in sitting down with someone and talking about what they've been doing in this area and what their plans are for the future. . .talk with your managers.

Markoff

Kryza:

The important thing is that you are usually giving them options that they didn't realize they had.

Perman:

So you feel that you would stress the part of working *with* managers.

Kryza:

I think so—I agree with this emphasis on one-to-one or small groups, rather than trying to change the entire institution with one fell swoop.

Sumser:

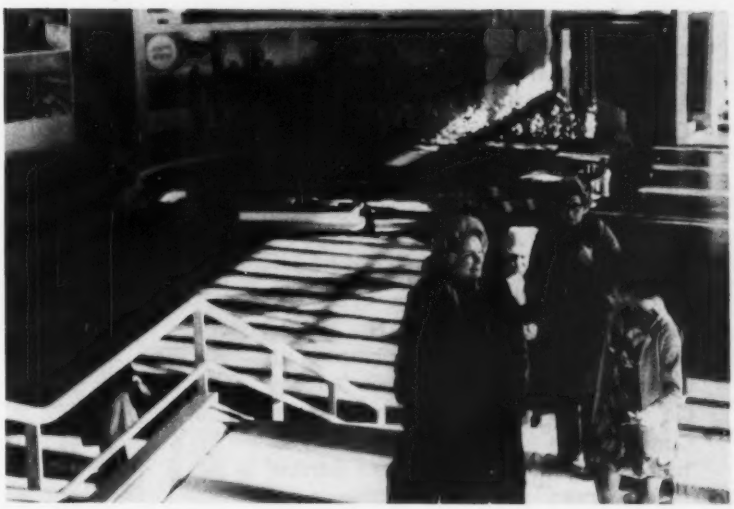
You might meet a lot of managers who'll say what's the FWP . . . I mean that seriously.

Markoff:

Well it's been around since 1968—about seven years old—that would be discouraging to think they look at it that way. But then you look back at some of the programs that have been around for a couple hundred years. . .we're still young in terms of that reference.

Just think what we can do in the next few years!

TO RUSSIA WITH SPAIN



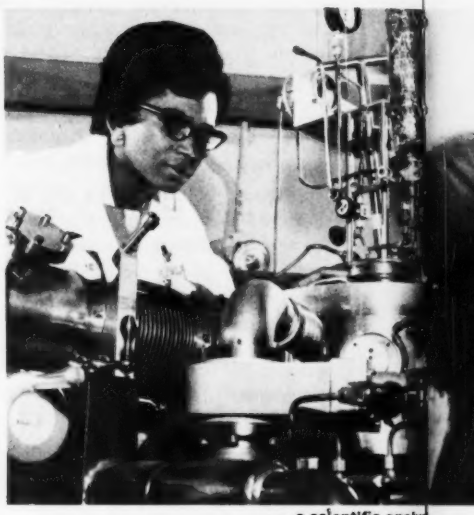
JAYNE B. SPAIN, CSC Vice Chairman, is being shown through the Uzbek Exhibition of Economic Achievement in Tashkent, U.S.S.R., by an Intourist Guide *(r.)* with Mrs. Walter Stoessel, wife of the United States Ambassador to the U.S.S.R., immediately behind them. The Exhibition is an impressive display of the progress made by the Republic of Uzbekistan over the past 50 years.

Mrs. Spain represented President Ford at the official opening of the USIA exhibit in Tashkent. Called "Technology for the American Home," the exhibit demonstrates how modern technology used in our construction and home furnishings industries puts good housing within everyone's reach.

The USIA exhibit will travel to six major Russian cities during the next year and be viewed by millions of Russian people.

. . . civil engineers

. . . manager of an agency's New York regi



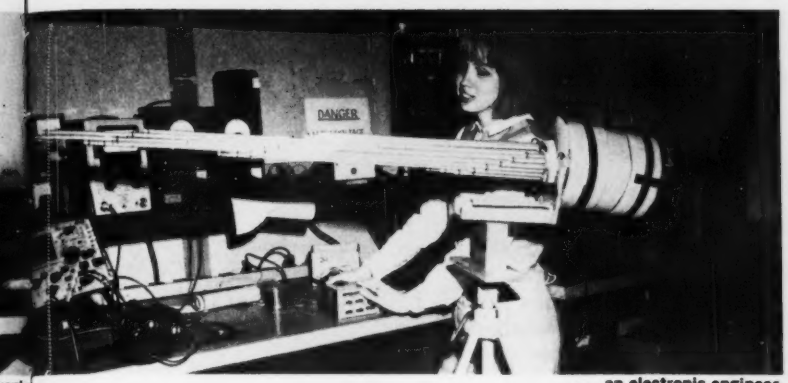
. . . a scientific analy

FOCUS ON WOMEN

Who is today's "Woman in Government Service?" She is—

- ☐a top personnel officer in one of the Government's largest agencies
- ☐an expert in underwater vision with the Navy Department who scuba dives to test her own research findings
- ☐an expert on fabrics for the Department of Agriculture who invented wash-and-wear fabric
- ☐an air traffic controller for FAA
- ☐a secretary in the Pentagon
- ☐a public affairs assistant with the United States Information Service in Bangkok, Thailand
- ☐an inventor employed by NASA, responsible for the special explosive used by Apollo astronauts to separate the two parts of their lunar lander and leave the surface of the moon
- ☐a social worker with HEW in Chicago
- ☐a computer scientist for the Department of Commerce

Today's "Woman in Government Service" is also all the women pictured on these pages . . . . competent . . . self-assured dedicated. Through them, *Focus* on *Women* salutes women in government everywhere.



. . . an electronic engineer

. . . a research chemist

. . . a public health doctor

. . . an inventor and research chemist

. . . an urban planner

. . . a laboratory technician

QUOTABLE

Following are the remarks of S. B. Pranger, Director of Personnel, Department of Agriculture, as delivered to his peers at the Personnel Directors' Conference in Charlottesville, Va., in April. Mr. Pranger's comments here were part of his summary of workshops that discussed integrity and quality of the merit system.

I tried to set the stage prior to the workshops yesterday, on the basis that our problems were mutual problems of the entire personnel community. We can cure nothing by complaining about who did what to whom. For the most part, we have been able to do this. But I feel constrained to do a little preaching.

I am proud to be a Director of Personnel. I am proud to be the Director of Personnel of the Department of Agriculture. I think I am a professional. I think that our system is basically sound. I think I have a very heavy responsibility to protect and if necessary help improve the system. I further believe that I fail in this responsibility if I don't speak out strongly when I find serious violations of our merit system—whether they involve partisan or bureaucratic political prostitution of the system.

I should do this—if necessary—all the way to the highest officials. My conscience will let me do no less.

I hope we have learned from the past. Sometime when you have the opportunity, read Senator Marcy's definition and defense of the spoils system as given in 1832 in support of Jackson's nomination of Martin Van Buren as Minister to Great Britain. Better yet, read a little of the history of how the civil servant fared during the reign of the spoils system!

God help us if we don't protect and support the merit system!

Excerpts from the Clay-Marcy Senate Debates of 1832

Mr. Clay: It is a detestable system, drawn from the worst periods of the Roman republic: and if it were to be perpetuated; if the offices, honors, and dignities of the people were to be put up to a scramble, to be decided by the result of every Presidential election, our Government and institutions, becoming intolerable, would finally end in a despotism as inexorable as that at Constantinople . . . .

Mr. Marcy: It may be, sir, that the politicians of the United States are not so fastidious as some gentlemen are, as to disclosing the principles on which they act. They boldly preach what they practise. When they are contending for victory, they avow their intention of enjoying the fruits of it. If they are defeated, they expect to retire from office. If they are successful, they claim, as a matter of right, the advantages of success. They see nothing wrong in the rule, that to the victor belong the spoils of the enemy. . . .

I have good reasons, very good reasons, for believing that it is the gentleman's rule of conduct to take care of his friends when he is in power. It requires not the foresight of a prophet to predict that, if he shall come into power, he will take care of his friends, and, if he does, I can assure him I shall not complain; nor shall I be in the least surprised if he imitates the example which he now so emphatically denounces.

What would
you like to
see happening
with Federal
women in the
next
10 years

as FEW sees it

by Janice Mendenhall
President
Federally Employed Women

"WHEN will the women's movement have come of age?" is a question often asked. My feeling is that equality will have arrived when being a male chauvinist pig is considered as abhorrent as being a racist. I hope that will occur within 10 years.

Other things FEW looks for within a decade are the full integration of women in policy-making positions; women in all jobs, especially blue-collar and technical positions; strong agency upward mobility programs with career counseling for all employees; strong enforcement of goals and timetables in Affirmative Action Plans (AAPs); and disciplinary action against discriminatory officials on complaints, both individual and class-action types. Managers 10 years in the future will be faced with correcting today's vast underutilization of the skills of women.

Ten years from now managers won't be able to maintain sexually segregated occupations, as are tolerated, even encouraged, today. The current revolution in the counseling of young women to enter nontraditional fields will have resulted in large numbers of trained women doctors, lawyers, scientists, accountants, mathematicians, economists, and architects. The blurring of sharply defined sex roles and the easing of male peer pressure will bring more men into such traditional women's jobs as those of nurse, librarian, and secretary. Building on the concept in *Griggs* v. *Duke Power* (which said discriminatory effects of employment practices must be eliminated, even if there is no intent to discriminate), the effect of managers' actions and not their intent will be evaluated and enforced by disciplinary action. A manager who ignores his female employees while subtly grooming his male employees for promotion will be punished.

To gauge a probable rate of progress for the next 10 years, let's look at how far we've come in the last 5 years and at recent changes in the effectiveness of the Federal Women's Program. Let's look at changes and the future for four areas: Civil Service Commission program administration, FWP resources, agency support and attitudes of managers, and attitudes of women employees.

First, in 1970 CSC had what we feel was a reactionary maternity leave policy, and discriminatory employment policies kept women from certain jobs that required carrying a gun or had a minimum height requirement. There were no standards for the FWP and women were not included in all AAPs. Today the discriminatory aspects of employment have largely been eliminated on paper (except for such carryovers as veteran preference and the FBI's height requirement). Maternity leave is treated the same as any temporary disability. More often than not, women are integrated into the EEO program, not tacked on as an afterthought. AAPs contain goals for women if they contain any goals at all.

In 10 years women and sex discrimination will constitute an even larger portion of the EEO program, reflecting women's numbers in the work force. Congress may even pass legislation lessening the effect of sacred veteran preference in initial employment and RIFs, in recognition of women's past unequal access to the military, and requiring AAPs to contain strong and enforced goals and timetables.

Second, a major battle of the FWP crusaders has been obtaining adequate resources. In 1970 six agencies had full-time agency-level FWP Coordinators; most agencies assigned the part-time duties to already overworked mid- to top-level women. No training was available about the FWP or for FWPCs. There were no budgets or staff (many FWPCs did their own typing) and women employees didn't want to be on FWP Committees. Today almost all departments and agencies have full-time trained FWPCs, with staffs in some agencies (e.g., HEW and State), and full-time field FWPCs in others (HEW and GSA). Serving on an FWP Committee is sought after by women employees as a means of helping the women's movement and of gaining additional job experience.

I feel that in 10 years OMB and the Congress will have mandated standards of comparability among agencies, allocating FWPC resources according to the number of employees served. Being an FWPC will be recognized as a legitimate EEO experience. Men as well as women will want to serve on FWP Committees; men working for equal opportunity for women will be no more unusual or disparaged than whites who are working today for equal opportunity for blacks or the Spanish-speaking.

Third, what about agency support and attitudes of managers? In 1970 adverse publicity on sex discrimination in their agencies didn't upset managers because it wasn't taken seriously. Women employees filed few sex discrimination complaints, and women in top positions were exceptionally competent employees who had succeeded despite their sex. Today's managers do not want adverse publicity on sex discrimination any more than on race discrimination, for they finally realize that the women's movement is not going to go away. Many more sex discrimination complaints are being filed, often in conjunction with other factors such as age. Many breakthroughs have been made, yet overall agency statistics have changed little and women remain concentrated in the lower grades.

Ten years from now, a

breakthrough will be rare since men and women will have been integrated into all jobs. Many managers will be women. Agency statistics will reflect significant change, with many more women in top policy-making positions and more men appointed as secretaries. Sex discrimination complaints will have become the largest category of complaints—not because discrimination will increase, but because women will have become more aware of the subtleties of discrimination against them.

And finally, what of the women employees themselves? In 1970 women carefully avoided being called "women's libbers" (a put-down term), and most felt that they had never been discriminated against. Years of social conditioning, lack of career counseling, and few successful upward mobility examples kept them from comparing their careers with those of similarly trained males. Today women are beginning to question why male trainees hired at the same time and at the same grade are now GS-13's while they are only GS-9's. The available career counseling and upward mobility are beginning to raise the expectations of women employees, as much as learning that their husbands won't be traumatized if the wife earns more.

The evolution 10 years from now will result in more women demanding equal job rights. Career counseling offices will be established as agencies admit that most supervisors are neither trained nor inclined to perform this function as it should be done. Successful agency upward mobility programs will be required, and specific portions of vacancies will be set aside as upward mobility slots.

In short, 10 years from now women will be educated about their rights and the subtle types of discrimination practiced against them. They will not tolerate being relegated to the "back of the bus." The average female employee will be able to advance as far as the average male employee. #

as NOW sees it

by Barbara E. Felton
Co-Chair
Employment/Compliance
Task Force
D.C. Chapter, National
Organization for Women

THE National Organization for Women, founded in 1966, is currently the largest feminist organization in the world, with over 40,000 members both female and male in its 700 chapters nationwide. NOW's major thrust over the last 9 years has been to achieve equal rights for women through the legislative process.

We are writing to you today because you have the power and position to change the inequities in the work force that are based on employment discrimination because of sex. As citizens you can write your representatives in Congress. As Federal Government officials you can insure that equal opportunity in employment becomes a reality.

The Federal Government is the largest single employer in this country. Although women constitute 39 percent of this country's total work force, they represent only 28.6 percent of the Federal Government's work force.

According to statistics compiled in 1973, 85.8 percent of all full-time women civilian workers were classified in GS 1-8 positions in direct comparison with 52.6 percent of civilian men at this same level. And 13.7 percent of the women employed by the Federal Government were in GS 9-13 positions, while 40.2 percent of the men populated this GS level. The disparity widens as one climbs the GS ladder. Six-tenths of one percent of the women were at GS-14 and above, while 7.2 percent of federally employed men held positions at this grade.

There has been no significant change in these figures in the last 2 years. Women are relegated to the low-paying, dead-end positions.

It is imperative that those of you who are in positions to hire and promote employees reaffirm your commitment to the equal employment opportunity laws of this land. On March 6, 1975, President Ford wrote a memorandum directed to all department heads. He urged these individuals to provide strong leadership to increase the accountability of affirmative action in the Federal Government. He further stated that he would not tolerate failure in reaching the goals. NOW applauds President Ford's forthright position.

As leaders you must begin to implement the following measures:

- Better training programs are desperately needed at all levels. The upward mobility programs must be extended. More than just the meager handful of slots now available must be identified and made operational. Better bridges need to be built to close the chasm between clerical and professional and technical classifications. Better use should be made of paraprofessionals. Women need easy access to a variety of training opportunities, to career counseling, educational advancement, and participation in the Federal Executive Institute in Charlottesville.
- Flexitime should be a Government policy. Experiments have demonstrated that it is extremely successful to allow employees to adjust their work schedules for their personal convenience. The wide adoption of flexitime is crucial for women, especially for working mothers who are often the head of their household.
- Part-time professional and nonprofessional jobs for both women and men should be used more widely. Especially in this period of economic unrest and high unemployment, two people could share one position, allowing both to be removed from the welfare and unemployment ranks.
- Government-supported day care facilities is a long overdue top-priority item. In 1973 there were

4.8 million working mothers with 6 million children who were under the age of 6. It is estimated that there were only 920,000 licensed day care slots for these 6 million children.

□ Veteran preference needs to be revamped. Citizens serve their nation equally in varying positions. Women who have been home caring for and teaching this nation's future resource, their children, should receive credit, as do the women of the military who type essential documents. History has denied women equal access to the military by limiting the number of women to 2 percent of the number of men. Veteran preference is a policy that continues to deny equal employment opportunity to all citizens. This policy must be changed.

Equal employment opportunity and affirmative action is the law. It is a law that makes sense for the maximum utilization of this country's work force. The Federal Government must provide a better record in the future, reflecting its commitment to this law. #

as WEAL sees it

by Daisy B. Fields
President
Maryland Division, Women's Equity Action League

The Women's Equity Action League is a nationwide organization dedicated to improving the status and lives of all women. Our goal is equal participation in society with all the rights and responsibilities of full citizenship.

Most WEAL members work outside the home. The majority are professional women trained in many disciplines, including science, education, administration, law, and medicine. They work in academia, in private industry, and in government at all levels—Federal, State, and local.

For purposes of this article, attention is focused on the goals and aspirations of the many WEAL members currently in the Federal Government and those who may seek such employment in the next decade.

Our primary objectives are twofold: (1) to overcome the barriers and biases that prevent women from attaining their highest potential, achieving recognition of their worth, and getting paid accordingly; and (2) to raise the level of awareness on the part of managers and supervisors that working women have the same financial needs, the same drives, aspirations, ambitions, and desires as working men.

Given the statistical evidence of the increasing numbers of educated women in the work force, and of the smaller numbers of available men at the "executive ages" of 35 to 45 (because of the lower birth rate in the 1930's and the ravages of recent wars), it becomes readily apparent that preferential hiring and promotion based on gender, color, ethnic origin, or on any other basis other than qualifications is an economic waste our nation cannot afford.

The Federal Government, the "showcase" for the nation, must be the pacesetter in encouraging and promoting specific programs to provide avenues for career advancement for women. In the past, some managers found this obligation difficult to accept. But the law dictates it shall be done.

Some effort in the right direction has been made. It comes under various headings—establishing "bridge jobs," developing "career ladders," or the generic term "upward mobility." Whatever label it bears, the purpose is to develop and encourage all employees to attain their highest potential. It is in the best interests of the government and the nation as a whole.

Only the surface has been scratched, however. Much more remains to be done. For example, my feeling is that one of the most pervasive discriminatory practices still continues—that of assigning a college-educated woman to a typewriter regardless of her professional competence in other fields. Such unconscionable waste of a human resource never would be perpetrated on a man of equal stature.

For argument's sake, picture yourself the father of a daughter on whom you had spent $30,000 for a college education. How indignant you would be if she finally went out into the world of work and was offered clerical or secretarial work at half the salary she could earn if properly employed in her chosen profession.

Women are increasingly aware of the underutilization of their skills and the roadblocks to achievement of their goals. Now they are beginning to do something about it under the laws guaranteeing equal opportunity. The reverberations of favorable court decisions in such matters are being felt throughout the land.

In a rapidly changing social order, adherents to the status quo will be trampled in the crush of progress. Government leaders cannot afford to let this happen.

The dynamics of change in a technological society impose a continuous quest for talent. Yet all too often while the search goes on outside an agency, the "talent" so eagerly sought sits under the nose of the manager, performing at levels far below potential. More often than not, such underutilized employees are women.

In every community, waiting in the wings, are groups of educated and experienced women who, having taken time out for childbearing, now are eager and able to work. Preventing them from doing so is the lack of adequate child care facilities and opportunities for part-time or flexitime employment. Many of these women have skill sorely needed in the work force. But society still regards childrearing as the mother's role, and little has been done to enable her to con-

tribute to the economic life of the community.

But the scene is changing. Pending in the Congress today are a number of bills designed to overcome these handicaps. I would venture to predict that within the decade there will be statutory provisions for government-supported child care and options for part-time and flexible-time work schedules. One reason for my prediction is that men are beginning to realize they too can benefit from such legislation.

Take the widower with young children. How does he cope with the need to work and to care for his family at the same time? What a boon it would be if government-supported child care facilities were available and he could work flexible hours to accommodate the obligations of parenthood. Of the 52 million families in the United States, 6.3 million are headed solely by women. They have the same needs.

Many families are opting to share responsibilities for childrearing. In the two-parent home both should have the opportunity for part-time or flexitime work. It is becoming socially acceptable for the father to be more actively involved in raising the family. By 1985 it may well be common practice. This new lifestyle has another advantage. It enables both parents to further their training or education in the pursuit of more rewarding employment.

The stereotype of man as the sole breadwinner is fading fast. About 42 percent of wives living with their husbands are in the work force. Economic necessity often dictates that the two-income family is a "must" for survival, for a decent standard of living, for adequate resources for medical care and educating a family.

Furthermore, the life expectancy of men is 7 years shorter than women's. The gap could be narrowed and possibly eliminated if men were less tradition-bound and less obsessed with the outmoded concept that they must be the sole breadwinner in the family.

Increasing numbers of women are choosing to remain single. These women must support themselves. Many of them have the additional burden of supporting dependent parents or other relatives.

What all this clearly indicates is that women who work do so for economic reasons, just like men. And, just like men, they are entitled to equal pay for equal work. Not just because the law says so, but because it is sound management.

Managers also know that it is illegal to refuse to hire or promote single women because they are apt to marry and have babies, or married women because they have children, or middle-aged women because they are middle-aged. The cultural conditioning that fostered these myths has no place in the future of America.

All women who work or want to work are entitled to share the psychic and financial rewards of employment on an equal basis with men.

It will happen here. #

INTERGOVERNMENTAL PERSPECTIVES

More than 10 years ago, after a Senate debate of 534 hours, 1 minute, and 37 seconds, Title VII of the Civil Rights Act of 1964 was adopted, prohibiting employment discrimination based on race, color, religion, sex, or national origin. Six years later the Equal Employment Opportunity Act of 1972 applied this prohibition to State and local governments. Since 1972 attention has slowly but increasingly begun to focus on the issue of equal employment opportunity for State and local government employees, and much of the attention is focusing on the problem of sex discrimination.

It is a fact that discrimination against women in State and local government employment does exist. In its 1973 survey, *Minorities and Women in State and Local Government,* the U.S. Equal Employment Opportunity Commission gathered data on more than 4.5 million State and local government employees. More than 1.6 million, or 36 percent, were women, but most of them were clustered in low-paying jobs.

"The two lowest paying job categories—office and clerical and paraprofessional—were overwhelmingly female (85 percent and 65 percent, respectively)," the report disclosed. "Some 62 percent of all women were in those positions compared with only 8 percent of all men. Even so, women earned median annual salaries $1,000 to $1,200 lower than those for men in the same categories." Women officials and administrators received an annual median salary $2,497 less than that of their male counterparts; women professionals

$2,267 less; women in protective service, $2,977 less; women technicians, $2,693 less; women in skilled crafts, $3,334 less; women in service and maintenance jobs, $1,798 less; women in office/clerical positions, $1,055 less; and women paraprofessionals, $1,166 less.

As a result of the 1972 amendments to the Civil Rights Act, State and local governments are now obligated to promote the concept of equal employment opportunity for women, and one tool for helping them is the Intergovernmental Personnel Act.

The very first issue of *EEO for State and Local Governments*, a newsletter published by the Commission's Bureau of Intergovernmental Personnel Programs, was devoted to the subject of women employees. The newsletter listed several steps for a jurisdiction to follow in developing an effective women's program: obtain top management support; assess needs and develop an affirmative action plan; develop an upward mobility program; review recruiting practices, qualification requirements, classification and pay practices, selection procedures, and maternity leave policy and practices; provide training opportunities for women; review literature to eliminate bias; create part-time jobs; promote acceptance of women workers; and evaluate supervisors' performance in EEO efforts as part of their overall effectiveness.

Although many State and local governments recognize the importance of these steps, they may have neither the expertise nor the money to engage in an aggressive EEO effort aimed specifically toward women. The IPA can be one source of assistance.

Assessing needs. Each jurisdiction needs specific data about women in its work force in order for its affirmative action planning to be effective. In Wisconsin, an IPA grant to the Department of Administration funded research into the underutilization of women in State service. The result, a report entitled "The Best Person for the Job: a Look at Wisconsin's Merit System," was a thorough investigation of four aspects of the State's personnel system: the entry-level professional program, promotion to middle-level professional positions, veteran preference, and attitudes of both men and women in senior professional positions. And in Hawaii, IPA funds have been awarded to enable the Department of Personnel Services to conduct a survey of State and county employee attitudes toward women as supervisors. Scheduled to be undertaken in cooperation with the State Commission on the Status of Women, the study will form the basis of a conference on dealing with adverse attitudes.

Developing affirmative action plans. With IPA assistance, the State of Alaska prepared and adopted an affirmative action plan and then established a State-funded EEO coordinator position. IPA funds also have been awarded for the development of affirmative action programs in the cities of Charlotte, N.C., and Austin, Tex., and in the States of West Virginia and Texas.

Recruiting. With IPA assistance, the Pennsylvania Civil Service Commission is developing new recruitment literature designed to attract minorities and women to State employment and the Minnesota Civil Service Department is attempting to improve information about career opportunities in order to attract minority and women applicants.

Job restructuring. In San Diego County, Calif., six cities cooperatively undertook an affirmative action project involving extensive job analysis and restructuring; and in Wisconsin, following "The Best Person for the Job" report mentioned above, the Bureau of Community Services began a project to improve the utilization of women in State employment through task analysis and job restructuring. The project aims to determine which job restructuring model best fulfills the particular requirements of individual agencies and to disseminate information on job restructuring.

Training. In efforts to eliminate discrimination against women in State and local government employment, IPA funds have been used most extensively in the area of training. More than ten States—from New Hampshire to Hawaii, from Texas to Alaska—have been able to use the IPA to good advantage in training programs. Some training is aimed specifically at women employees to help them plan career goals and identify their strengths and weaknesses; recent examples are last January's "Emerging Woman in Management" seminar sponsored by the New England Municipal Center and the University of Maine, and the ongoing career development program for 1,000 women employees of the State of Washington. The latter was inspired by Governor Daniel Evans' 1972 Executive order on affirmative action, which stressed the need for upward mobility; under the program, women of widely differing ages, interests, and State jobs come together for 2-day, live-in sessions on life assessment and career planning.

Elsewhere, the Illinois Department of Personnel hired a new staff member to develop affirmative action training, the Montana Department of Administration provided training to State employees in developing affirmative action plans, the Pennsylvania Bureau of Personnel developed an affirmative action training program to educate managers in EEO laws and inform employees about their EEO rights, and the University of Houston conducted training for city officials in developing affirmative action plans. Four Northwestern States—Alaska, Idaho, Oregon, and Washington—joined in a cooperative project to develop affirmative action training programs tailored to the needs of each State. And a Fiscal Year 1975 grant to the California Commission on the Status of Women for effectiveness training is expected to result in a model training program that can be duplicated throughout the country.

These examples of IPA involvement in achieving equal employment opportunity for women are not comprehensive, and of course do not include the innovative projects many jurisdictions have undertaken without IPA assistance. The commitment to EEO for women has been particularly strong in some cities such as Seattle and San Diego. In April 1972, the San Diego City Council established an affirmative action plan for women; 2 years later, the total number of women in city employment had increased by 2.2 percent, 67 additional women were employed in the $800-$1,199 monthly salary range, and women were working in what had previously been predominantly male jobs such as laborer, groundskeeper, police officer, and assistant department head. San Diego Mayor Pete Wilson explained, "Affirmative action reinforces the merit employment concept. I want to emphasize that our affirmative action plan is a plan of *inclusion* rather than *exclusion*."

Also in 1972, Seattle Mayor Wes Uhlman issued an Executive order establishing an affirmative action plan for the City of Seattle. This model plan sets realistic goals and timetables and, significantly, requires each department of the city government to appoint an equal employment opportunity officer (part time or full time) who reports directly to the department head and is authorized "to take whatever legal means deemed necessary to achieve the goals of the program." In addition, the Seattle Office of Women's Rights, the mayor's top authority on women, can initiate and investigate complaints of job discrimination against local employers, refer cases for prosecution by the city, enforce the women's affirmative action program in city employment, and submit proposed legislation to the City Council.

In 1920 Congress established the Women's Bureau within the U.S. Department of Labor "to formulate standards and policies which shall promote the welfare of wage-earning women, improve their working conditions, increase their efficiency, and advance their opportunities for profitable employment." Today, 55 years later, there is a growing awareness of the discrimination women continue to suffer in employment and of the need to eliminate it wherever it exists—in the private sector and at all levels of public employment as well.

Since 1945 State and local government employment has grown four times as fast as employment in the U.S. economy as a whole, and indications are that it should continue to grow at a rapid rate. With women accounting for 36 percent of their employees, State and local governments have an excellent opportunity to work as partners with the Federal Government in a renewed commitment to full equality of opportunity for women who have chosen government as a career.

—Susan Tejada

TRAINING DIGEST

The Commission has established a public service briefing program for policy executives, which it will manage in cooperation with the White House and the Office of Management and Budget. This represents the first time that a comprehensive program has been initiated to help policy executives when they first enter Federal Government. Such a program, however, was urged by the Task Force on Personnel and Civil Service in 1954; the Conference on the Political Executive at Princeton University in 1956; the Bureau of the Budget in 1957 and 1958; the Brookings Conference on the Job of the Federal Executive in 1968; the Civil Service Commission in 1968; and, more recently, the Comptroller General of the United States.

The purpose of the briefing program is to assist individuals in their transitions to major public offices by informing them about Government processes and policies and their roles and responsibilities as policy executives. The program consists of four elements.

First, a pre-entrance briefing is accomplished by sending materials to persons selected for policy-level positions before they come on board. This acquaints them with Government, responsibilities of policy executives, the perquisites of office, major operations of Government such as the personnel system, the budget and legislative processes, and other materials that provide data and perspective.

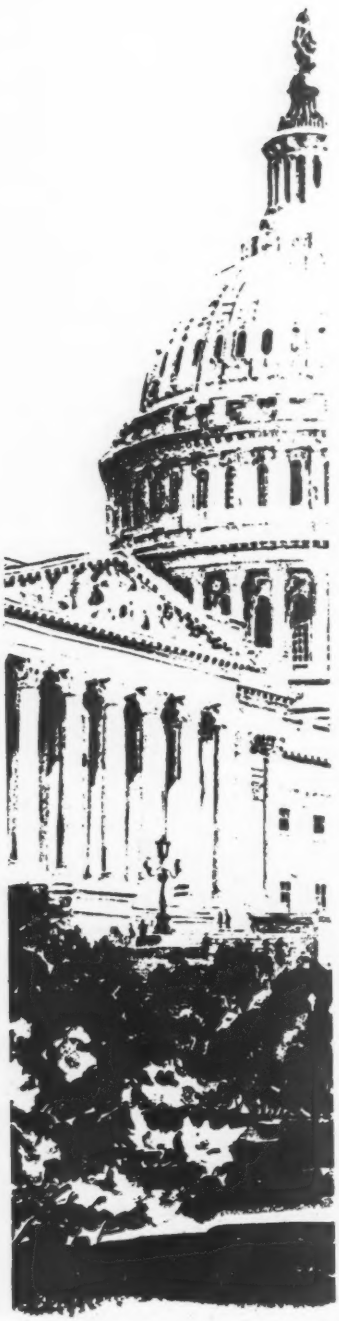
Second, during the first 3 weeks on the job, each new policy executive has an opportunity to attend an evening meeting with other new executives and experts. These sessions provide information on how to increase the executives' personal effectiveness.

The third component of the program consists of an intensive 2-day briefing to emphasize three major areas: (1) Presidential policies, programs, and issues; (2) managing in Government; and (3) the role of the political executive.

A fourth component is inhouse briefings conducted by each agency for its political executives. These focus on personnel practices, organizational structure, special programs of the agency, the agency's legislative program, and other internal or related matters. Commission staff members met several times with the Interagency Advisory Group and its committee on training for counsel and assistance in developing the entire program and particularly this fourth component.

It is expected that nearly 200 new policy executives, most in Executive Levels II, III, IV, and V positions, will benefit from this program each year.

—Thomas V. Garcia



A CIVIL SERVICE PERSPECTIVE

by Robert E. Hampton
Chairman
U.S. Civil Service Commission

WE ARE PLEASED to have this opportunity to meet once again with the Committee to talk about the work of the Civil Service Commission.

I would like to begin by stepping back and taking a brief look at the civil service system from a broad perspective. It is a system that has evolved gradually. It has deep historical roots. As it exists now, it is a complex system of many parts that is seldom looked at as a whole.

The term "civil service" often means many different things to different people. To the public at large, the Civil Service Commission is most frequently seen as the examining arm for Federal employment. It issues examination announcements, conducts examinations, and refers candidates for employment. To the citizen looking for work, the Civil Service Commission is the place to inquire about Government employment.

Responsibility for conducting open competitive examinations was the Commission's basic charter in the Civil Service Act of 1883. For many years, conducting examinations for what was known as the classified service, and keeping the appointment process for that service free of political influence, constituted practically the sole job of the Civil Service Commission.

In its earlier years, the Commission was strictly a servicing-type agency. It conducted examinations. It processed papers. It referred names and approved personnel actions. There were few, if any, formal delegations of authority for agencies to act on matters within the Civil Service Commission's area of responsibility. Business was strictly on a prior approval basis, with papers submitted to the Commission for action *before* transactions could be processed.

That method of operation was possible because the positions involved were limited both in number and kind. The Federal Government itself was much smaller, with little of the decentralization we know today. When the Civil Service Act went into effect, it applied to only 10 percent of the Federal service, a grand total of 14,000 positions. Examining activities were typically for simple, low-level jobs like clerks and messengers. Contrast that with the demanding responsibilities we have today: conducting competitive examinations for nuclear physicists, agricultural scientists, urban planners, and other highly skilled jobs.

Except for matters within its own narrow area of operation, the Commission had no responsibility for personnel policy in the Federal service. Indeed, personnel management did not even stand in its own right as a recognized function in Federal agencies until 55 years after the signing of the Civil Service Act. It was not until 1938 that each department and agency established the key job of director of personnel.

But even during those early decades, there was an awareness that the merit system represented something special in the fabric of our national life. From the outset, the civil service merit system has been a positive force in achieving national purposes.

EXCERPTED from Chairman Hampton's opening remarks in testimony before the House Committee on Post Office and Civil Service on February 26, 1975.

Far-Reaching Responsibilities

There is much that the Civil Service Commission does that is not evident to the public at large because it goes far beyond establishing and operating examining systems.

To the Vietnam veteran we can be looked to for active placement assistance. Last fiscal year 112 thousand Vietnam era veterans seeking employment were appointed in the Federal service. The Commision played a central role in that process, ranging from employment information given at separation centers and veterans assistance centers, to job counseling and affirmative placement efforts by our 65 area offices.

For the handicapped person desiring productive work, we can also offer prospects for employment. Since World War II, the Federal service has been a leader in the employment of the handicapped—and a showcase for all other employers to see. Legislation in 1973 and 1974 gave the Civil Service Commission additional leadership responsibilities for employment of the handicapped and disabled in Federal agencies.

The Federal employee also perceives the Commission in many different ways. There are few Federal workers, I think it is safe to say, who are not aware of, and interested in, the Commission's part in the pay-setting process. Not too many years ago, that interest would have been limited to the 1.3 million employees paid under the General Schedule. By congressional action within this decade, the Commission's statutory responsibilities in the pay area have been extended to the 630,000 blue-collar employees under the prevailing rate system.

Our pay functions involve us with employee unions on a regular basis. A number of advisory and consultative mechanisms have been established for this purpose. These include the Federal Employees Pay Council and the Prevailing Rate Advisory Committee. On this note, I would like to stress that regular and frequent consultation with unions on matters affecting employees has become very much a way of life in Federal personnel work. In addition to the extensive dealings we have with unions in determining pay, fringes, and other aspects of Federal employment at the Commission level, we are deeply involved in the Government-wide labor relations program under Executive Order 11491.

We are well known to Federal employees generally as the agency that sets most qualification standards and also the standards governing the classification and, therefore, the grades of positions. To the new employee hoping to build a career in the public service, Commission requirements governing advancement and promotion are all-important.

So are training opportunities. The need and demand for training to sharpen job skills and keep abreast of new developments is great. Last year, over 132 thousand Government employees participated in Commission-conducted training programs.

To the long-service employee nearing retirement, the special importance of the Civil Service Commission is in its administration of the Civil Service Retirement System—especially in keeping accounts accurate, and payments current.

In the eyes of a Federal employee who has a child in the hospital or who is faced with other health care expenses, the Commission is responsible for making health insurance coverage available. Over 9 million persons are protected by our health benefits program.

To the families of Federal workers and retirees who die, especially when death occurs during working years, the Commission is seen as a source of financial help, through life insurance benefits as well as survivor annuity benefits. During FY 1974 about 38 thousand life insurance claims were paid, totaling benefits of over $350 million. In addition, over 367 thousand survivors of employees or retirees are receiving annuity payments.

To the employee who has been discharged from the service, or to the employee reduced in grade, the Commission is a body for fair and impartial review of appeals from these and certain other adverse actions taken by agencies.

Broadening Our Role

The fact of the matter is that the Commission today is clearly not the same institution that went into operation with the passage of the Civil Service Act in 1883. Just as clearly, the evolution of the Civil Service Commission from what was a body limited to examining-type functions into a central personnel agency, with much broader responsibilities, has not been an overnight change. It developed through a series of actions and mandates by successive Presidents and successive Congresses.

An early example of that development can be found in the evolution of job classification in the Federal service.

The Commission's acquisition of responsibilities in the retirement area is another interesting example of the evolution I refer to.

A few brief descriptions of how the Commission acquired other responsibilities may also help convey the development to which I refer:

Employee training is one illustration. What training could be given. . .who could receive it. . .under what circumstances. . .was a variable situation throughout all of Government. There was no uniformity. There were no common ground rules. Some agencies had broad authority for training. Others had to improvise. In 1958 the Congress stepped in and passed the Government Employees Training Act, placing responsibility for overall policy in a single place, the Civil Service Commission.

Another area of responsibility is considering employee appeals from adverse actions by agencies. It was not until 1944 that Congress, ex-

pressing the nation's gratitude to its veterans, made the Commission responsible for determining the merits of adverse actions taken by agencies against employees who were veterans. In 1961, the same responsibilities for reviewing the merits of actions taken by agencies against employees who were not veterans were placed on the Commission by Executive order. In that instance, functions were first assigned to the Commission by congressional action, with later extension by executive action.

In the case of the Commission's equal employment opportunity responsibilities, the process was reversed. While the Civil Service Act itself made the Commission responsible for certain aspects of equal employment opportunity, those responsibilities were expanded and extended to the entire executive branch by Executive order in 1965. In the Equal Employment Opportunity Act of 1972, the Congress acted to place those responsibilities with the Commission. In that instance, our responsibilities had roots in the original civil service law; they were later strengthened by Executive order; and finally they were anchored on an updated legislative foundation.

It seems clear the conclusion reached in assigning these functions to the Commission was that it made good, practical sense to locate these various personnel responsibilities in a single, central personnel agency. In my judgment, it continues to make good sense.

I like to think, too, that another set of reasons bearing on the decisions of successive Congresses to broaden the role of the Commission is the Commission's long record of impartiality, objectivity, and efficiency in carrying out its responsibilities. I believe such reasons would explain why some of the duties assigned the Commission by statute extended its role beyond the Federal work force.

For example:

- The Hatch Act amendments of 1940. These amendments gave the Commission responsibilities that reached to certain State and local officials.
- The Voting Rights Act, passed in 1965. This Act made the Commission responsible for providing observers at polling places designated by the Department of Justice to assure that the voting rights of citizens were not being abridged.
- The Intergovernmental Personnel Act, passed in 1970. This Act gave the Commission broad responsibilities with respect to merit-based personnel administration in State and local jurisdictions. Our charter under that Act extends to promoting sound personnel management practice—through grants, through technical assistance and training, and through temporary assignments of personnel—to improve the delivery of services at these governmental levels.

And for what I feel are basically the same reasons, there have been other enactments that significantly expanded the Commission's responsibilities *within* the Federal service. Most recently:

- We acquired a new and unprecedented role under the Freedom of Information Act for determining at the initiative of the courts whether employees of other agencies have violated the provisions of the Act, and for assessing the discipline to be imposed.
- We acquired a different set of responsibilities and obligations relating to positions and pay in what to us is a new statutory area, when the provisions of the Fair Labor Standards Act were extended to the Federal service last year.

Our responsibilities have also been changed in very significant ways by executive action.

I view all these actions. . .to be in keeping with the Commission's original statutory charter. The duty placed on the Commission by the Civil Service Act was not merely one of regulating, but also the more positive one of improving the civil service. Many of the changes that have taken place over the years have been directed to that positive goal.

A New Mandate

We began as an examining agency. We now undertake to serve the entire executive branch with a modern personnel system that aims to serve the public well, to serve employees well, to serve the Government well, and to serve equally well the interest of the taxpayers. Since our policies affect the entire operation of Government, our role is highly important.

In attempting to keep our modern personnel management system in tune with the times, we have developed and installed computerized personnel management information systems, we are utilizing toll-free wide-area telephone service so the public can communicate with us, and we are constantly reassessing our methods of doing business.

We are well aware that we have to balance the interests of applicants, employees, agencies, and most important of all, the interests of the American people. To help us keep these interests in balance, we solicit the views of agencies, employee organizations, public interest groups, and the public at large in formulating personnel policy. And we seriously consider all views presented to us.

Policy is made in public view and communicated openly. It is made with full consciousness on our part, and on the part of other observers, that there is more than one role involved and that, in the long run, one role cannot contradict another. The key, therefore, is to incorporate the principles of merit as the dominant factor in every aspect of personnel administration. And because that is our objective, the same approach is followed in each of the activities for which we are responsible.

Future Reforms

As the Committee proceeds with its work, there will be many legislative initiatives and issues to be taken up and considered. Among them will be various legislative proposals the administration plans to bring before

the Committee. To comment briefly on a few we feel are of particularly high importance or significance:

- As part of his general economic program, the President will soon submit specific proposed legislation to effect the temporary 5 percent limitation on increases in pay and cost-of-living adjustments in retirement annuities.
- We expect to resubmit the legislative proposal to establish an Executive Personnel System. It will replace previously submitted proposals for revamping the conditions of service covering positions in grades GS-16 through 18. The new proposal will incorporate a number of refinements designed to overcome reservations voiced in this Committee on earlier versions.
- We expect a legislative proposal to clarify and improve the statutory protections available to employees affected by adverse actions. These include removal from the service, or reduction in grade or pay. It will complete the series of reforms in the appeals system we see as needed. The details of the proposal are still under discussion.
- We plan to come forward with a proposal to further amend the Hatch Act by eliminating a number of limitations that now apply to participation by Federal employees in electoral processes.
- To mention just one more item on our legislative agenda for this session, we expect also to ask for legislative authorization for experimental use of flexible work hours, or what is commonly referred to as flexitime, in the Federal service.

Improving Productivity and Organizational Effectiveness

We are enlisting the creative efforts of Government managers, asking them to find ways—in accord with laws, with civil service regulations, and with collective bargaining agreements—to meet the objective of reducing unnecessary personnel costs.

One means we have employed to work together with agencies in achieving this and other objectives is through a series of annual meetings with the Under Secretaries of the various large agencies. The agenda for this year's schedule of meetings, which was recently completed, emphasized cost reduction, together with productivity and organizational effectiveness.

The proper management of human resources is the focus and the key to our current efforts to improve productivity and organizational effectiveness. The idea is more efficient Government at less cost, using executive development, better supervision, and various other management tools for that purpose.

The general feeling that emerged from this year's round of meetings is that Federal managers believe their efforts to improve personnel management are paying off in terms of mission accomplishment. They see definite signs of progress.

Even so, however, I must report also that I have sensed among managers a feeling of mounting pressure from cumbersome, procedural-type requirements that impede the delivery of Government services. Some of these requirements, unfortunately, are imposed by legislation, legislation that neither meets nor recognizes the special circumstances of the Federal ervice.

Public managers readily accept new limitations and controls on their work with the knowledge that they represent the public will as expressed through our democratic processes. But I would add the thought that all of us in leadership positions have some special obligations—to avoid compounding the problems of administration by overly precise procedural requirements, to stand fast against special interest, and to aid orderly administration in every feasible way.

The civil service system is not an end in itself, but a means of contributing to good government. So, in the final analysis, the objectives of this Committee and those of the Civil Service Commission have much in common. We promise our cooperation, and we wish you well in your work.

SPOTLIGHT ON LABOR RELATIONS

Improvements in the Federal Labor-Management Program

Executive Order 11838, signed by President Ford on February 6, 1975, makes new and important improvements to Execative Order 11491, Labor-Management Relations in the Federal Service. All of the changes, with one exception, went into effect on May 7, 1975. The exception relates to the impact of agency regulations on the scope of negotiations (see the discussion below).

The most significant amendments are in the areas of consolidation of units, the scope of negotiations, and grievance and arbitration procedures. All three are designed to expand the scope of bilateral dealings between union and management.

Consolidation of Units

The policy of the Federal labor-management relations program now definitely favors the consolidation of existing units. Consolidation will reduce

the unit fragmentation that now exists, and will expand the scope of bargaining by moving negotiations to higher levels of agency authority. All proposed consolidations must be approved as appropriate units by the Assistant Secretary of Labor for Labor-Management Relations.

A union and an agency may jointly agree to a consolidation. There is no requirement for an election unless at least 10 percent of the employees in the proposed consolidated unit request an election.

If a union and an agency do not mutually agree to a consolidation, it cannot take place without an election. When a consolidation election is held, a majority of the total valid votes cast decides the issue.

Existing election, certification, or agreement bars will not block a consolidation if the units are represented by the same union requesting consolidation. Such bars would, however, continue to block challenges from rival labor organizations. If consolidation is defeated, the existing unit structure remains in place, and the incumbent union continues to represent these units.

If a proposed consolidation will affect professional and nonprofessional employees, the professional employees will have an opportunity to decide whether they wish to be included with nonprofessionals in a mixed consolidated unit or in a consolidated unit of professionals only.

Scope of Negotiations

Law, provisions of the Executive order, and regulations of appropriate authorities outside an agency will continue to restrict the scope of bargaining. Internal agency regulations, however, may limit bargaining only if two conditions are met. First, the regulation must be issued at the headquarters level of the agency, or of a primary national subdivision of the agency. Second, there must be a "compelling need" for the regulation. The Federal Labor Relations Council will develop criteria for "compelling need," and this change will go into effect 90 days after those criteria are issued.

The obligation to negotiate includes negotiation on changes in personnel policies and practices made during the life of an agreement, which are not covered by the agreement. This confirms a series of decisions by the Assistant Secretary of Labor for Labor-Management Relations on the mid-term bargaining obligation (beginning with *NASA, Kennedy Space Center,* A/SLMR No. 223, p. II-137 of FPM Supplement 711-2).

The term "meet and confer" is synonomous with "negotiate."

The obligation to consult, under the order, is limited to national consultation rights. Of course the parties may, on their own, agree to a consultation procedure.

Grievance and Arbitration

Negotiated grievance and arbitration procedures are no longer limited to the interpretation and application of the agreement. Instead, they may cover as much or as little as the parties wish, as long as they do not conflict with statute, controlling regulations of authority outside the agency, or the order, and as long as they do not cover any matters subject to a statutory appeals procedure. The negotiated grievance procedure will continue to be the sole procedure available to unit employees for matters that come within its scope.

Any disputes about grievability or arbitrability will go to the Assistant Secretary of Labor for Labor-Management Relations if the dispute concerns the use of a statutory appeals procedure. Other grievability or arbitrability disputes may go to an arbitrator for decision if the parties so decide, or to the Assistant Secretary of Labor if there is no agreement.

Impact of Other Amendments

- Guards may now be included in units with other employees, and guards may be represented by labor organizations that represent nonguards.
- The definition of supervisor has been changed. A person is no longer a supervisor for labor relations purposes based *solely* on evaluating the performance of *one or more* employees.
- Sections 7(e) and 21(b) have been deleted. These sections concerned the establishment of systems for intramanagement communication and consultation, and dues deductions to associations of supervisors and management officials. The Council intended no policy change, however; FPM and agency requirements on these matters should be maintained.
- The Council has taken the position that supervisors should not be represented by unions in agency grievance and appeals procedures. Because these procedures were established outside the order, the Council has asked the Civil Service Commission to review Government policy on this issue.
- The order establishes a 45-day deadline for agency approval or disapproval of negotiated agreements. Provisions of agreements in conflict with agency policy or regulation will be considered to have been approved if the agency does not act within 45 days of execution of the agreement. Provisions of agreements in conflict with law, the order, or regulations of appropriate authorities outside the agency will *not* be effective, even if the 45-day deadline is missed.
- The Assistant Secretary of Labor for Labor-Management Relations has been given limited authority to decide negotiability disputes. This would be in cases where the issue of negotiability arises out of an alleged unfair labor practice: a union assertion that management made a unilateral change, and a management defense that the change was not a matter over which it was obliged to bargain. Either party will have the right to appeal a negotiability determination made by the Assistant Secretary.

—Charles Feigenbaum

as seen by
GAO auditors

THE FEDERAL CIVILIAN WORK FORCE

by Elmer B. Staats
Comptroller General
of the United States
U.S. General Accounting
Office

BECAUSE of the importance of management of the Federal civilian work force, 3 years ago the General Accounting Office established a separate division to carry out reviews of personnel management in the Government. Since Fiscal Year 1973, GAO has issued 53 reports relating to civil service employees, including 15 reports to the Congress, 18 reports to congressional committees and Members of the Congress, and 20 reports to agency officials.

GAO staff members have worked closely with the Post Office and Civil Service Committee of the House of Representatives and members of its staff on inquiries into the application of merit principles and other personnel matters of mutual interest.

In recent months we all have become increasingly concerned about evidence of breakdowns in the application of merit principles in the Federal career service.

At this point in GAO's studies of this subject, we believe that established procedures for implementing concepts and principles of the merit system are fundamentally sound and probably need little if any revision. Breakdowns in the system that concern us appear to relate primarily to the failure to apply or observe these established procedures.

Each important component in Government—the executive agencies, the Civil Service Commission, the Congress, and the courts—has an important role in sustaining the integrity of the merit system.

In his March 4 statement to the House Subcommittee on Manpower and Civil Service, Robert Hampton, Chairman of the Civil Service Commission, commented on the use being made of personnel management evaluations. This is an important process since it is one of the principal means of evaluating the effectiveness of personnel management and assuring compliance with merit principles. GAO reviewed the practices followed in personnel management evaluations, and our findings were reported to Chairman Hampton last September.

The Commission is responsible for overseeing the personnel management evaluation process, which is primarily the responsibility of the executive agencies. The Commission is required to set standards for agency evaluation

ADAPTATION of testimony by Mr. Staats before the House Post Office and Civil Service Committee on March 20, 1975.

systems; to assess the adequacy of agency systems and, where necessary, require improvement; to conduct research in and develop methods for evaluating personnel management; and to maintain the capability to independently review agency effectiveness.

GAO concluded that the Commission had done a good job of establishing standards and goals for the evaluation process. In other areas, however, improvements were needed to make the process a more effective management tool. The Commission had reached the same conclusion as a result of its own studies and has taken a number of actions to achieve these improvements—for example, devoting more resources to assisting agencies with improvement of their PME systems; and in particular, improving CSC's own capability to make independent evaluations. This is evidenced by the recent series of hard-hitting studies and reports coming from the Commission—notably those relating to GSA, HUD, and SBA.

Best Protection for the Merit System

GAO feels very strongly that the best protection for the merit system can be supplied by an aggressive, comprehensive personnel management evaluation process in each executive agency, combined with a thorough and timely study of this process by the Commission. Because of its importance, GAO will continue to monitor the Commission's efforts in this area.

Currently, GAO has underway three reviews involving alleged violations of the merit system. Two of the reviews were requested by Congressman John Moss and involve the Drug Enforcement Administration and the Law Enforcement Assistance Administration. The third review is being made at the Small Business Administration pursuant to the requirements of Public Law 93-386. At this time, work on the three assignments has not progressed far enough to permit us to report any findings or conclusions.

Another area of interest to the House Committee, an area where GAO has work underway, relates to conflicts of interest. At the request of several Members of Congress, we are conducting a series of reviews of agencies' financial disclosure systems for Federal employees. As is well known, the Civil Service Commission requires each agency to have such a system. We want to find out how effectively these systems are working.

Our work has been completed at two agencies—the Federal Power Commission and the U.S. Geological Survey. At these agencies the systems were not working. Instances of potential conflict of interest existed and responsible agency officials had not taken appropriate remedial action. Here is another instance where an aggressive personnel management evaluation system could have highlighted to top management a situation requiring its attention.

Still another area of GAO's work is a comprehensive study of civilian manpower requirements. This study, being performed at a number of civilian and defense agencies, is directed at identifying and comparing how agencies determine and assess civilian manpower requirements. We hope our work will contribute to a better understanding of this complex subject, and improved methodologies in it.

Finally, GAO is devoting a considerable effort to reviewing equal employment opportunity programs in the Federal service. This work was started at the request of the Senate Committee on Labor and Public Welfare, and now it has been expanded to deal with such subjects as upward mobility programs, discrimination complaint systems, and the management information needs of EEO programs.

There are several matters that I hope the Committee could consider—and I hope act upon—during the current session.

In his February 26 statement to the Committee, Chairman Hampton expressed the Commission's concern about the executive pay problem. I share that concern. The problem is real—it is critical—and unless dealt with soon, it may very well do immeasurable damage to the Federal service and seriously impair Government operations. As pointed out in the report I sent to Congress on February 25, there is an urgent need for legislation to reform the salary adjustment process for top officials, and to have the initial adjustment take effect this year.

Another area that needs early attention is that of Federal retirement systems. We have a serious and growing problem here—namely, an unfunded liability currently exceeding $200 billion. About $69 billion of that amount is applicable to the Civil Service Retirement System. Unless early and effective action is taken, the unfunded liability is projected to be $383 billion by 1983. Incidentally, each 1 percent cost-of-living adjustment adds at least $500 million to this unfunded liability.

It is of utmost importance that the Congress assure the employee as well as the retiree of the soundness of the retirement system. It is hoped that the Congress will hold hearings leading to (1) establishing a long-overdue comprehensive Federal retirement policy, and (2) establishing a central mechanism to monitor the development, interrelationship, and cost of all Federal retirement programs.

At the beginning of this congressional session, there were nine GAO legislative recommendations relating to the Federal service upon which final action had not been taken. Two already have been mentioned—the ones relating to executive pay and Federal retirement systems. Some of the others are worth noting.

One relates to the use of flexible work schedules by Federal employees. Many private companies and local governments have

used these schedules to the benefit of both the employers and the employees. I can see no reason why use of flexible work schedules should not be tested in the Government. I was pleased to learn that the Civil Service Commission plans to ask for the legislative authority needed to test the use of flexible work schedules in the Federal service.

Another legislative recommendation deals with the rule of three. We believe that practical limitations in the art of personnel testing and measurement make the requirement for selection from the top three eligibles unrealistically rigid. GAO therefore recommended that the Congress permit the Civil Service Commission to prescribe alternative selection procedures.

Another recommendation deals with the requirement that appointments to competitive civil service positions in Washington, D.C., be apportioned on the basis of population among the States, Territories, and the District of Columbia. We recommended that the Congress act favorably upon proposed legislation to repeal the requirement, because it has outlived its usefulness.

Need for Pay Reform

In November 1972 it was announced that the General Accounting Office had instituted, with the help of a panel of experts, a series of studies designed to improve the system for compensating Federal employees. The first of these was an examination of the process that has been developed to maintain a comparison with the private sector of white-collar employees. We were concerned with determining whether the jobs selected for comparison with the private sector were adequate and representative, what comparisons are made with non-Federal organizations, and how the resulting data were used in adjusting Federal salary scales.

A report on this subject was issued May 11, 1973, in which the GAO found the need for major changes in determining comparability rates, including the following:

- Broaden the occupational sample surveyed at the GS-5, GS-7, and GS-9 levels to reflect more adequately the range of work found at these levels in the Federal Government.
- Through a reexamination of the applicability of survey criteria, expand occupational coverage of GS-15 work so that it is more representative of the range of duties and responsibilities at that level of Federal service.
- Redesign the survey to include the broadest feasible representation of the non-Federal sector.

Following the issuance of our report, the Civil Service Commission sought and received a supplemental appropriation of $760,000 to undertake its own review with respect to these recommendations:

- A review of presently excluded industries.
- A review of the minimum size of establishment cutoffs.
- A review of nonprofit establishments.
- A review of State and local governments.

To date, the Civil Service Commission study has not been completed and no improvements of the type suggested by the General Accounting Office have yet been incorporated in the Bureau of Labor Statistics reviews.

In view of the growing criticism within and outside the Federal Government as to the accuracy of the comparability determination process, and in view of the fact that each 1-percent change in the comparability determination increases Federal outlays by approximately $450 million, improvement in the comparability surveys is urgently needed.

In addition to our review of the comparability determination process, the General Accounting Office is currently reviewing, among other matters:

- The pay-setting process for nonsupervisory blue-collar employees.
- The desirability of a major reform of white-collar pay schedules based on occupational and/or locality pay processes.
- The advisability of expanding the concept of pay comparability to include fringe benefits, that is to say, total compensation.
- White-collar position classification controls and practices.

Finally, there is one more item that is worth considering and that has to do with productivity of the Federal work force.

Joint Federal Productivity Project

Most of GAO's work is concerned with individual reviews of organizational and program effectiveness, and development of recommendations that can be acted upon by the Congress and the agencies. But we have found that a periodic Government-wide assessment of productivity—much like the Bureau of Labor Statistics applies to the private sector—can provide a useful perspective of trends and enable us to support actions that will foster improved productivity.

Since 1970 we have been collaborating with the Office of Management and Budget, the Civil Service Commission, the Bureau of Labor Statistics, and, more recently, the General Services Administration in fostering efforts to measure and enhance the productivity of Federal agencies.

Today we have an ongoing program in which these participating agencies—through the medium of the Joint Financial Management Improvement Program—are examining productivity trends in about 200 Federal activities employing over 1.7 million civilian personnel.

In summary, our studies have revealed an average annual improvement since 1967 among these activities—measured in terms of output per staff-year—in excess of 1.5 percent per year. This is significant when it is realized that each 1

percent gain means that we are doing the same amount of work with 17,000 fewer employees, or that we are absorbing additional work that would have required augmenting the staff by this number of new employees.

We have learned that no organization's productivity stands still, and that progress demands constant attention—the keys to which are long-range planning; introduction of better systems; installation of modern equipment; more effective organization; and techniques for improving employee skills, job satisfaction, and incentives.

We will continue to conduct this joint review each year, and plan to give the Congress and the public the annual report resulting from this work.

GAO work concerning the Federal work force encompasses a wide range of activities involved in personnel management. Our overall objective is to find ways to encourage increased effectiveness, efficiency, and economy in all programs and activities of the Government involved in managing and compensating the Federal work force, and at the same time to promote equitable treatment and fair rewards for all employees.

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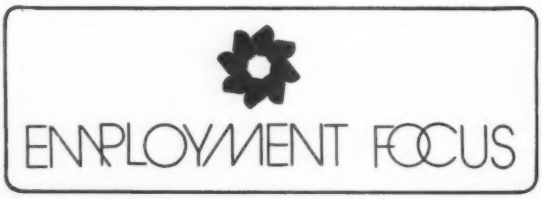

Appointment of Veterans in the Federal Government

Since the Civil War era, veterans of the armed forces have been given some degree of preference in appointments to Federal jobs, with the current rules governing preference of veterans codified from the Veterans' Preference Act of 1944.

Five-point preference is given to honorably discharged veterans who have served in the armed forces on active duty during a period of warfare or in a campaign, or for at least 180 consecutive days since January 31, 1955. Ten-point preference may be given to disabled veterans, wives or husbands of disabled veterans, widows or widowers of veterans, and mothers of those veterans who died or became totally disabled while on active duty.

Depending upon his eligibility status, an individual who claims veteran prefrence and makes a passing grade on a civil service examination has 5 or 10 points added to his score. These extra points allow the individual to rank higher on lists of persons eligible for appointment, thus allowing the veteran preference eligible to receive consideration for an appointment earlier than otherwise possible.

Based on estimates of Federal employment as of August 1974, employees claiming veteran preference amounted to 52.3 percent of the entire Federal work force, including 8.3 percent claiming 10-point preference. During calendar year 1974 the "large" Federal agencies (agencies with 2,500 or more employees) appointed 196,272 veteran preference eligibles, or 34 percent of the new hires in these agencies. (All veterans appointment data cited in this narrative are taken from CSC Form 113-F, "Monthly Report on Veterans," which large Federal agencies are required to complete and submit to the Commission monthly.)

Employment of the Vietnam era veteran (VEV) in the Federal service has generated considerable interest. A Vietnam era veteran is defined as an individual who has served on active duty in the armed forces after August 4, 1964, regardless of his duty station. During calendar year 1974 the large Federal agencies appointed 111,361 Vietnam era veterans, which exceeded the goal established in support of the President's Veterans Program and represented a 15.9 percent increase in VEV appointments from the previous calendar year.

Certain Vietnam era veterans who have no more than 14 years of education are eligible for a special noncompetitive appointment under the Veterans Readjustment Authority (VRA). Veterans are eligible for this program during their first year following separation from military service or release from hospitalization following separation from military service. While under this authority, the veteran participates in a training or educational program in addition to his job responsibilities. After 2 years, if the veteran's performance has been satisfactory, his appointment is converted to career or career-conditional.

During calendar year 1974 the large Federal agencies made 23,718 Veterans Readjustment Authority appointments; 6,853 of those holding VRA appointments made the transition to career or career-conditional appointments within that same calendar year. Twenty-one percent of all Vietnam era veterans employed by the large agencies were appointed under the Veterans Readjustment Authority.

—Phil Etzel and William Herbert

WORTH NOTING (CONT.)

regardless of the political viewpoint being advocated."

He said that the Hatch Act does not prohibit the adherence to, or the expression of, any individual beliefs or opinions on political subjects or candidates. "Indeed," he added, "the Hatch Act serves to assure that employees will not be compelled, or feel themselves compelled, to engage in unwanted partisan political activities in order to curry political favor with their superiors and thereby enhance their prospects for continued employment or advancement."

Chairman Hampton said that in 25 years of Federal service "I have noticed that if the opportunity to assert partisan political influence or power is available, it will be exercised; this seems to be the one void that someone is always willing to fill." He added, "Whatever political activity is permitted to Federal employees will quickly become that which is required of them."

He enumerated subtle forms of coercion that can only be dealt with by laws imposing limits on partisan political activity, and suggested it is an "empty hope" that provisions against coercion alone can protect the merit system against political invasion.

He cited a 1973 Supreme Court decision that upheld the constitutionality of the Hatch Act, and expressed the belief that if Congress were to poll .civil servants as to their views, most would wish to retain the protections that the Hatch Act affords them.

☐ EEO STRESSED. President Ford has urged the heads of all Federal departments and agencies to "provide strong leadership in your own agency" to insure equal opportunity in Federal employment.

He cited Commission statistics showing that minority and women employees "have demonstrated their ability to compete successfully under merit principles," and added, "while I am encouraged by these figures, our efforts must continue."

More than nondiscrimination and prohibition of discriminatory practices is required, he said. "What is needed are strong affirmative actions to assure that all persons have an opportunity to compete on a fair and equal basis for employment and advancement in the Federal Government. . . ."

☐ PRESIDENTIAL RECOGNITION for cost reduction. As one element in a special cost-reduction campaign, President Ford has announced his intention to recognize through personal letters those Federal civilian and military employees whose contributions during the remainder of calendar year 1975 result in measurable benefits to the Government of $5,000 or more. This recognition, which expresses the President's personal appreciation for outstanding cost reduction and energy conservation efforts, is in addition to any monetary or honorary awards that have been granted by agencies under existing authorities.

The Presidential letters will be presented by agency officials at appropriate ceremonies, and the employee achievements widely publicized to build pride in and public respect for the Federal career service. Additional details on this program are contained in CSC Bulletin 451-9, May 22, 1975.

☐ SETS RECORD STRAIGHT. Recent news reports have given the public the erroneous impression that "secret" reports of the U.S. Civil Service Commission provide evidence of rampant mismanagement and widespread political subversion of the merit system in a number of Federal agencies, and that little or nothing has been done to correct the situations.

"These accounts do not square with the facts, and they do an injustice to the Commission and the agencies concerned as well as to the public," CSC Chairman Hampton said.

"These Commission reports do not reflect widespread political incursions into the merit system," Chairman Hampton said. "However, Commission investigations of personnel practices in General Services Administration, Department of Housing and Urban Development, and Small Business Administration did reveal efforts to subvert the merit system, but the Commission has reported fully and publicly on its findings and enforcement actions in those cases."

The reports that have been misrepresented are those resulting from regular Commission evaluations of agency personnel management, Chairman Hampton said. These have highlighted problem areas in personnel administration in a number of agencies, and in most instances the agencies have taken corrective actions that the CSC evaluations have required or recommended.

Personnel management evaluation is a regular, ongoing function of the Commission. Evaluations have the dual purpose of (1) assuring that agencies are carrying out their personnel operations in accordance with law and Commission regulations and (2) identifying problem areas to help agencies improve their personnel management programs and operations. Upon conclusion of an evaluation, a report is made to the agency, which then has an opportunity to consider and act on the Commission's findings and the required or recommended corrective actions. The Commission requires that agencies report on mandatory corrective actions, and in addition, as resources permit, CSC follows up with agencies to improve their personnel management.

Problems identified in evaluation reports do not generally constitute violation of law or regulation, CSC explained, but more often are what the Commission views as policies or practices that could be improved.

"I also want to underscore the difference between the Commission's disclosure policies on regular personnel management evaluations and its special investigation into allegations of improper political influence in appointments to positions under the merit system," Chairman Hampton said. "With respect to the latter, the record shows that the Commission initiated the investigations in 1973 immediately on receipt of specific allegations and that we have reported our findings fully and promptly; we put an immediate end to the improper practices discovered, required corrective actions by the agencies, and initiated proposed disciplinary actions against a number of officials in the several agencies investigated. These investigations and their results have been widely publicized over the past 2 years, and they have been the subject of further inquiry during recent open hearings before the Subcommittee on Manpower and Civil Service of the House Post Office and Civil Service Committee, chaired by Rep. David N. Henderson."

☐ INTEGRITY HEARINGS. Chairman Hampton reviewed Commission findings and actions resulting from its investigations of violations of civil service laws, rules, and regulations, in testimony opening hearings before the Subcommittee on Manpower and Civil Service of the House Post Office and Civil Service Committee on March 4.

Chairman Hampton commended the decision of Committee Chairman Henderson to hold investigative hearings on alleged violations and abuses of merit principles in selections for career civil service positions, and he said the Commission agrees with Chairman Henderson that "this is the time to examine institutions, executive practices, and administrative procedures in an effort to prevent similar abuses from occurring in the future."

"At a time when many of our national institutions are undergoing searching inquiry as to their roles and operations, it is also proper that the operations of the merit system be subject to review," Chairman Hampton said. "We believe your current review will further help us and contribute to increasing public confidence in the merit system."

☐ A 5.1 PERCENT cost-of-living annuity increase for some 1.4 million retired Federal employees and survivers will become effective August 1. The increase will be reflected in annuity checks mailed September 1.

The increase was triggered when the Consumer Price Index exceeded by 3 percent the base CPI established in October 1974 (153.0) and held for three consecutive months: March (157.8), April (158.6), and May (159.3). The amount of annuity increase, under a 1965 law, is based on the highest percentage increase over the base CPI during the consecutive 3-month period plus an additional 1 percent authorized by law in October 1969.

☐ HANDICAPPED WORKERS honored. Vice President Nelson Rockefeller and Commission Vice Chairman Jayne B. Spain presented awards to 10 Outstanding Handicapped Federal Employees in Washington on April 3. Winners were Hilda L. Altizer, Commerce; Lloyd N. Bruton, Air Force; Howard T. Davis, Navy; R. Ann Farina, Export-Import Bank; Fred C. Lilley, Army; Norma E. Milam, Veterans Administration; Ralph Murillo, Small Business Administration; Edward V. Pope, Agriculture; Frank Sears, Jr., Defense Supply Agency; and Billy R. West, Library of Congress.

☐ LEADERSHIP CHANGE. Keith A. Roelofs is the new director of the Commission's Chicago region, succeeding Joseph A. Connor who has retired as dean of the Commission's field service after completing 46 years of Federal employment, including 32 years as regional director in Chicago. Steven R. Cohen succeeds Mr. Roelofs as deputy regional director.

—Ed Staples

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